FORMAL OBJECTION AND REQUEST FOR REVIEW UNDER 36 C.F.R. PART 218

Pinecrest Basin Management Direction - Community Center Forest Plan Amendment and Special Use Permit (#68965)

I. PRELIMINARY STATEMENT, OBJECTION, AND RELIEF REQUESTED

Pursuant to 36 C.F.R. Part 218, Pinecrest Lake Resort, LLC (PLR) objects to the June 2026 Environmental Assessment and Finding of No Significant Impact (June EA/FONSI), draft Decision Notice, Forest Plan amendment, J Lot reclassification, Basin-wide commercial-permitting language, and proposed commercial special-use permit for Project #68965. The proposed decision is arbitrary and capricious, contrary to governing regulations and Forest Service direction, procedurally premature, and unsupported by the administrative record. Most fundamentally, the Forest Service reversed the required order of federal special-use review. Other prospective purchasers sought agency direction before acquisition and were told that the Community Center's use could not change. The successful purchaser acquired the improvements without any disclosed pre-purchase authorization for the desired commercial model, began or continued nonconforming commercial activity, and was then afforded agency assistance and a site-specific Plan-amendment pathway. The agency also selected a new commercial entitlement before establishing that existing authorized sites and permittees could not meet any objectively demonstrated need, before identifying a planning need independent of the current applicant's desired business model, before analyzing reasonable less-disruptive alternatives, and before disclosing the threshold screening required by 36 C.F.R. § 251.54. The agency record further reflects repeated warnings, directives, and identified instances of noncompliance concerning the scope of commercial activity, advertising, signage, and alcohol. Instead of first resolving and enforcing those violations, the proposed decision uses the Plan amendment and new commercial permit to authorize substantially the same categories of activity that generated the compliance concerns. PLR further understands and has observed that the building and the configuration of services were altered after acquisition, while the project record does not disclose Forest Service preconstruction approval, County building permits, inspection finals, or other approvals establishing that those alterations and resulting uses were lawfully completed. The agency may not treat an altered and potentially unpermitted facility as the lawful baseline for a Plan amendment and expanded commercial permit.

PLR submitted timely, project-specific comments and expressly incorporated the National Forest Recreation Association (NFRA) comments as Appendix A. Those comments preserved the controlling issues: the absence of objective evidence of unmet public need; the failure to provide existing concessioners a meaningful opportunity to meet any alleged increased need; the failure to evaluate expansion through existing authorized sites; the Forest Service's prior representation during the County sale that the Community Center's use could not change; unequal access to the later Plan-amendment pathway; wastewater, parking, emergency, school, alcohol, economic, and public-safety constraints; the absence of completed special-use screening; and the impropriety of amending the Forest Plan to accommodate a nonconforming commercial trajectory.

The June decision does not resolve those objections. It permanently reclassifies the parcel from Zone 6 Administrative/Utilities Infrastructure to Zone 2 Commercial Use; authorizes coffee and food service, retail, restaurant activity, events, lodging and overnight rental groups, approximately thirty shared parking spaces, and beer and wine service; changes the J Lot allocation; and adopts Basin-wide commercial-permitting language. The agency simultaneously characterizes this durable change in legal authority as a minor administrative correction. That characterization is irreconcilable with the scope of the decision.

PLR requests that the Reviewing Officer sustain this objection and issue written instructions requiring withdrawal of the draft Decision Notice and FONSI. The defects cannot be cured through minor clarification or post-decisional permit administration. At minimum, the matter must be remanded for a revised EA, a valid preliminary identification of the need to change the Plan, a lawful alternatives analysis, a complete comparative permitting and sale-process record, documented §§ 251.54 and 251.59 compliance, a reasoned explanation of the agency's changed position, and a genuine opportunity for existing authorized operators to demonstrate whether any objectively established public need can be met without creating a new and duplicative commercial site. The Forest Service must also reject the purchaser's post-acquisition revenue needs, sunk costs, or preferred return on investment as a substitute for a public-land planning need. The remand instructions must also require an enforcement-first compliance audit and prohibit the agency from using unauthorized or nonconforming operations as evidence of need, feasibility, viability, or an existing no-impact baseline. The remand must also include a complete alteration-and-permit audit identifying all physical work and changes in occupancy or service configuration, the date and scope of each change, the Forest Service approval for each development, and every required County permit, inspection, correction notice, and final approval.

II. ELIGIBILITY, ISSUE PRESERVATION, AND USE OF AGENCY RECORDS

Under 36 C.F.R. § 218.8, each objection issue must be connected to the objector's prior specific written comments unless based on new information arising after the comment opportunity. PLR's May 2026 comments preserve the principal issues presented here. The June EA/FONSI also contains materially new or revised decision content, including express beer-and-wine authorization, detailed overnight-rental and parking provisions, J Lot reclassification to Day Use, revised Basin-wide commercial language, and an unexplained reversal of the effects findings stated in the April EA.

The selected U.S. Forest Service emails are admissible and probative agency records. Their production through FOIA does not diminish their relevance. Because 36 C.F.R. § 218.8(b) limits incorporation by reference to specified categories, PLR will attach the particular emails on which it relies rather than merely cite a large FOIA production or external link. The emails corroborate preserved issues and document the agency's own contemporaneous understanding of allowable use, proposed expansion, compliance concerns, capability review, and materially different treatment of applicants.

The agency emails do not create an unpreserved theory. They supply record evidence for issues PLR previously raised and, where produced or created after the comment period, constitute newly available information bearing directly on the lawfulness of the proposed decision. The Reviewing Officer should require the Responsible Official to address those records expressly rather than omit them from the decisional narrative.

III. CONTROLLING LEGAL STANDARDS

The Reviewing Officer is not being asked to substitute policy preferences for those of the Responsible Official. The issue is whether the proposed decision satisfies the minimum requirements of reasoned administrative decisionmaking. Under 5 U.S.C. § 706(2)(A) and (D), agency action is unlawful when arbitrary, capricious, contrary to law, or adopted without observance of required procedure. The agency must examine the relevant evidence and articulate a satisfactory explanation establishing a rational connection between the facts found and the choice made. State Farm, 463 U.S. at 43.

When an agency changes position, it must acknowledge the change, address prior factual findings and serious reliance interests, and explain why the new position is permissible and preferable. Fox Television, 556 U.S. at 515-16; Regents, 591 U.S. at 30-33. The Forest Service must likewise explain materially different treatment of similarly situated applicants and may not rely on undisclosed or inconsistent standards.

Under 7 C.F.R. § 1b.5(c)(2)(ii), an EA may proceed without additional alternatives only when there are no unresolved conflicts concerning alternative uses of available resources. That condition is not met where timely comments and agency records identify continued community or school use, enforcement of the existing authorization, narrower incidental services, use of existing Zone 2 commercial sites, expansion by existing authorized operators, and no-lodging or no-alcohol limitations as competing means of meeting the asserted purpose. Under 36 C.F.R. § 219.13(b)(1), every Plan amendment must be based on a preliminary identification of the need to change the Plan supported by new information, changed conditions, changed circumstances, or equivalent documentation; under § 219.13(b)(5), directly related substantive requirements must be selected based on the amendment's purpose and beneficial and adverse effects. Under 36 C.F.R. § 251.54(a), a proponent is required to contact the responsible Forest Service office as early as possible in advance of a proposed use; under § 251.54(c), a proposal conveys no right or privilege to use National Forest System lands; and under § 251.59, a new owner of authorized improvements must apply for and receive a new special-use authorization. Sections 251.54(d)-(e) further require sufficient information for feasibility, public benefit, safety, legal compliance, and technical and financial capability, followed by screening for Plan consistency, public health and safety, unreasonable conflict with existing authorized uses, compatibility with land-management purposes, public interest, and capability to comply fully with the authorization. These requirements establish a prospective sequence: proposal, screening, environmental and planning review, authorization, and only then lawful occupancy and use. They are not a mechanism for retroactively conforming a business model selected after acquisition. Section 251.56 requires authorization terms necessary to protect Federal property, adjacent lawful users, lives and property, efficient land management, and the public interest. Section 251.60 expressly authorizes suspension or revocation for noncompliance with applicable statutes, regulations, or authorization terms, ordinarily following written notice and a reasonable opportunity to cure. The agency therefore possesses an enforcement framework directed to noncompliance; it may not silently replace that framework with a Plan amendment that converts disputed or unauthorized conduct into the basis for expanded rights. Section 251.56(c) separately requires Forest Service approval of the location, design, and plans or standards for all developments within an authorized area before construction. Section 251.56(a)(1)(i)(D) requires authorization terms that ensure compliance with applicable State standards governing public health and safety and the siting, construction, operation, and maintenance of the use, while § 251.56(a)(2) recognizes County building permits and comparable approvals as appropriate authorization conditions. Tuolumne County states that its Building and Safety Division reviews building-permit applications for all construction and remodeling projects and identifies building without a permit as a code-compliance violation. The absence of disclosed Forest Service approval and County permit records is therefore a threshold compliance and public-safety issue, not a collateral matter that can be deferred until after expanded authorization.

IV. PRESERVATION AND DECISION-CONTENT MATRIX

Issue	Prior PLR Comments	June Decision / Supporting Record
Wastewater and infrastructure capacity	PLR Comments, PDF pp. 3-4, 7-8, 23-24; prior denials, at/near-capacity system, need for loading and reserve-capacity data.	June EA, PDF pp. 14-15, states no wastewater change and that existing drops are sufficient, without quantified capacity or peak-flow data.
Traffic, parking, circulation, emergency access	PLR Comments, PDF pp. 4-8; trip generation, deliveries, event surges, O/G staging, pedestrian conflicts, evacuation, and alternative staging at Dodge Ridge.	June EA, PDF pp. 13-15, finds no measurable traffic or parking change and no emergency-response effect; decision also moves J Lot to Day Use and authorizes approximately 30 spaces.
Existing services and objective need	PLR Comments, PDF pp. 8, 13-16; missing occupancy, sales, seasonal demand, existing capacity, and corridor services. NFRA Appendix, PDF pp. 26-29.	June Needs Assessment, PDF pp. 27-31, lists existing services but declares them unsatisfactory without surveys, capacity data, or a documented opportunity for existing concessioners to respond.
Economic and social sustainability	PLR Comments, PDF pp. 8-9, 14-17, 22-23; finite seasonal market, jobs, investment, year-round service, tax base, and incorrect monopoly framing.	June EA, PDF pp. 13-16 and 21-22, assumes minor shifts, diversification benefits, and “reducing monopoly concerns,” while acknowledging operator interdependence.
Forest Plan integrity and future entitlement	PLR Comments, PDF pp. 9-12, 17-21; plan amendment used to accommodate nonconforming use, future owners, precedent, all-zones commercial language.	June EA, PDF pp. 7-9 and 20-22, permanently reallocates the parcel to Zone 2 and adopts basin-wide commercial-permitting language while excluding future service changes as speculative.

Issue	Prior PLR Comments	June Decision / Supporting Record
Special-use screening and noncompliance	PLR Comments, PDF pp. 12-13 and NFRA Appendix pp. 28-29; 36 C.F.R. §§ 251.54, 251.56, technical and financial capability, enforcement first.	June EA acknowledges nonconforming coffee, events, and lodging and relies on current business operation as evidence of viability, but does not identify the screening record.
School, alcohol, law enforcement, and public safety	PLR Comments, PDF pp. 2-3, 9; school, liquor license, transient users, limited law enforcement and emergency response.	June EA, PDF pp. 7-8 and 11-14, authorizes new beer and wine service, notes school co-location, and relies primarily on school-hour and ABC restrictions.
Prior agency representations and equal treatment	PLR Comments, PDF pp. 11-12, 17-18; interested parties were told use could not change; agency must explain reversal.	Selected USFS emails document prior limitations, noncompliance concerns, and later pursuit of a plan amendment and commercial permit.
Reasonable alternatives and no-action premise	PLR Comments, PDF pp. 6-8, 10-12, 24; narrower use, enforcement, community service, limits on O/G, existing infrastructure, and no commercial expansion.	April EA stated “Alternatives Considered and Not Analyzed in Detail: None.” June EA frames no action as eventual closure/removal and provides no developed middle alternatives.
Dodge Ridge sale-process representation, unequal access, reliance, and unexplained reversal	PLR Comments, PDF pp. 11-12, 17-20, 24, and NFRA Appendix, PDF pp. 26-29; interested parties were told use could not change; existing operators and sites were not evaluated; agency must explain materially different treatment and regulatory access.	FOIA-produced records show that on September 9, 2024, during the County sale process, the Forest Service told Dodge Ridge the building use could not change. The agency later assisted the successful purchaser and pursued a site-specific Plan amendment and commercial permit without addressing the prior representation, sale-process reliance, or equal access to the amendment pathway.
Physical alterations, building permits, inspections, and changes in occupancy or service configuration	PLR Comments, PDF pp. 2-8 and 12-13; permit scope, noncompliance, wastewater, lodging, food service, alcohol, and public-health and safety concerns. Newly available agency records also describe a proposed total renovation and transformation of the facility.	The June EA repeatedly characterizes the decision as administrative and non-physical, yet elsewhere acknowledges minor modifications such as signage or interior improvements. The record does not disclose Forest Service preconstruction approvals, County building permits, inspection finals, fire or health approvals, or a certificate of occupancy for post-sale alterations and changed services.

V. MATERIAL RECORD CONTRADICTIONS REQUIRING REMAND

The April EA identified effects extending throughout the life of the permit, including increased traffic and parking demand, additional water, wastewater, and solid-waste loading, changes in Basin character, compliance and enforcement burdens, cumulative commercial pressure, possible parking and road improvements, and long-term socioeconomic effects. Those findings were not allegations by PLR; they were the agency's own assessment of reasonably foreseeable consequences.

The June EA reverses those findings and declares that the project will produce no measurable visitation, parking, traffic, congestion, wastewater, emergency-response, or material business effects. The agency identifies no intervening traffic study, wastewater analysis, occupancy data, sales data, parking study, lodging-capacity analysis, event schedule, law-enforcement consultation, or other new evidence supporting that reversal. A FONSI cannot lawfully rest on unexplained conclusions that contradict the agency's own prior analysis.

The decision also rests on mutually exclusive factual premises. To establish purpose and need, the Forest Service asserts increased visitation, inadequate existing services, unmet demand, and a need for a new commercial operator. To minimize effects, it asserts that the same authorization will generate no measurable new visitation, traffic, parking, wastewater demand, emergency burden, or material economic effect. The agency cannot rely on increased use to justify the action and simultaneously deny increased use when evaluating consequences. That internal contradiction alone defeats the rational connection required between the facts found and the decision made.

Comparator / record category	Issue presented	Agency treatment reflected in current record	Required record / explanation
Dodge Ridge	County approached Dodge Ridge concerning purchase of the Community Center; Dodge Ridge asked about potential changes in use.	September 9, 2024 Forest Service response stated that the use of the building could not change.	Attach the complete chain, attachments, and follow-up. Identify what uses were discussed, whether the Plan-amendment pathway was disclosed, and how the statement affected Dodge Ridge's participation, valuation, or proposal.
Other prospective purchasers / interested parties	Potential acquisition, reuse, or continued public-service operation of the same facility during the County sale.	Regional notes referenced Lair of the Bear, Dodge Ridge, and others while reflecting an intent to retain the same public/community use; later communications referenced other interested buyers.	Produce all inquiries, responses, meeting notes, County communications, and guidance concerning allowable use, use-code changes, Plan amendments, and purchaser qualifications.
Successful purchaser / current applicant	Coffee and food service, renovation and interior alterations, overnight stays, events, alcohol, retail, cafe vendor, employee housing, changed occupancy or service configuration, and broader commercial operation.	After initial agency statements limiting use, Regional staff offered assistance, helped develop a more robust operating plan, and the agency initiated a parcel-specific Plan amendment and commercial permit.	Disclose the complete proposal history, all requested uses, each revision, assistance provided, § 251.54 screening, capability determinations, and the objective criteria supporting this materially different pathway.
Pinecrest Lake Resort and existing permittees	Existing authorized sites and operations potentially capable of meeting any objectively demonstrated service need.	The EA and Needs Assessment do not document a capacity solicitation, an opportunity to meet the asserted need, or a comparison of expansion through existing Zone 2 sites and permits.	Identify every operator contacted, the information requested, available capacity, proposed expansion, and the reason an existing-site alternative was rejected before a new commercial site was created.
Regional and District decisionmakers	Interpretation of use code, Forest Plan consistency, public/community purpose, purchaser guidance, and later Plan-amendment strategy.	The chronology moves from statements that use should remain unchanged and broader services would not be approved to active assistance and a site-specific amendment.	Identify who authorized the change in position, when it occurred, the new information or changed circumstances relied upon, and the contemporaneous explanation for departing from the earlier position.
Material uses omitted or deferred	Employee housing, showers, laundry, expanded lodging, and other uses discussed in agency correspondence but not fully analyzed in the June EA.	The June EA does not state whether these uses were denied, withdrawn, deferred, or reserved for later permit modification.	State the disposition of each requested use and exclude any unexamined use from the permit and operating plan unless separately disclosed, screened, analyzed, and subjected to public review.

OBJECTION 1 - THE FOREST SERVICE REVERSED THE REQUIRED ORDER OF SPECIAL-USE REVIEW: OTHER PROSPECTIVE PURCHASERS ASKED BEFORE ACQUISITION AND WERE TOLD THE USE COULD NOT CHANGE, WHILE THE SUCCESSFUL PURCHASER ACQUIRED FIRST AND WAS LATER AFFORDED A SITE-SPECIFIC PLAN AMENDMENT

Preservation. PLR challenged the Forest Service's prior representations concerning allowable use of the Community Center, the materially different regulatory pathway later afforded to the current purchaser, the absence of uniform criteria, the failure to consider reliance and competitive prejudice, the lack of demonstrated unmet demand, the failure to consider existing authorized sites and operators, and the absence of completed special-use screening. The FOIA-produced agency records provide direct evidentiary support for those preserved issues.

A. The September 9, 2024 communication concerns the same property, the same County sale, and the same change-of-use question

The FOIA-produced September 9, 2024 email chain reflects that Tuolumne County had approached Dodge Ridge concerning the proposed sale of the Pinecrest Community Center and that Dodge Ridge and other potential buyers, asked the Forest Service about potential changes in use. The Forest Service responded that the use of the building could not change. The County's public sale notice followed on September 11, 2024. The communication therefore was not abstract policy guidance or a remote discussion about another permit. It was an agency representation to an identifiable prospective purchaser, made during the disposition of this exact federal-land improvement, concerning the precise regulatory issue now before the Reviewing Officer.

That contemporaneous communication is more probative than a historical development concept or an unrelated permit dispute. It bears directly on what potential purchasers were told they could lawfully do with the facility, what regulatory risk they were expected to price into a bid, and whether all interested parties had equal notice that a site-specific Forest Plan amendment and commercial permit could later be pursued. The decision does not acknowledge the email, distinguish it, or explain why the agency's later position is consistent with it.

B. Federal law placed the burden on the purchaser to secure a lawful authorization before acquiring and using the improvements

The special-use regulations do not permit a purchaser to acquire privately owned improvements on National Forest System lands and then treat the acquisition as a basis for obtaining whatever authorization is necessary to make the investment profitable. Section 251.54(a) requires the proponent to contact the Forest Service as early as possible in advance of the proposed use. Section 251.54(c) expressly provides that a proposal itself conveys no right or privilege to use National Forest System lands. Section 251.59 further provides that, upon a change in ownership of authorized improvements, the prior authorization terminates and the new owner must apply for and receive a new authorization, satisfy current regulatory requirements, and accept any new terms warranted by existing or prospective circumstances.

The legally required order is therefore straightforward: identify the intended use; seek agency guidance; submit a sufficiently detailed proposal; complete initial and second-level screening; conduct any required planning and environmental review; obtain a written authorization; and only then occupy or operate under the approved use. The current record reflects the reverse sequence. Dodge Ridge asked before the sale and was told that the building's use could not change. The successful purchaser acquired the building without any disclosed pre-closing determination authorizing coffee service, general retail, restaurant activity, public events, lodging, overnight groups, alcohol service, or employee housing. The agency then confronted commercial activity that did not conform to Zone 6 and selected a parcel-specific Plan amendment to accommodate the purchaser's desired model. That is not prospective permitting. It is after-the-fact regulatory accommodation.

The Forest Service is the land manager and permitting authority; it is not the guarantor of a purchaser's business plan. A purchaser of improvements located on federal land assumes the risk that the desired use may be rejected, narrowed, conditioned, delayed, or found inconsistent with the governing Forest Plan. The appropriate means of managing that risk is pre-purchase due diligence and a contingent acquisition, not a post-purchase amendment of the public land-management framework. Any contrary approach rewards the party that buys first and seeks permission later while disadvantaged parties that responsibly ask first and rely on the agency's answer.

C. The purchaser's asserted need for retail or commercial revenue is not an independent public-land planning need

The EA and Needs Assessment repeatedly convert the private purchaser's circumstances into the asserted need for federal action. The EA states that the prior public-building authority is unsuitable because the County sold the building to a private individual, relies on the Center's existing operation as evidence of viability, states that there are no other prospective applicants because the public building was already sold to a private investor, and ultimately relies on the current owner's belief that the operation is viable. June EA at 1-2, 21-22. That reasoning is circular. The private sale and the purchaser's chosen business model are treated both as the problem requiring a Plan amendment and as the evidence that the proposed commercial use is viable and in the public interest.

A claim that the Community Center cannot be financially sustained without retail, lodging, events, or other commercial revenue does not establish that the Forest Plan is defective or that the public needs this parcel to become a new Zone 2 commercial site. It establishes, at most, that the purchaser may not be willing or able to operate the building within the uses lawfully available at the time of acquisition. That post-acquisition financial circumstance was foreseeable and should have been resolved before closing. It cannot be elevated into a changed condition under 36 C.F.R. § 219.13, a public-interest finding under § 251.54, or a reason to reject community-service, school, limited incidental-use, enforcement-first, existing-concessioner, or no-action alternatives.

Nor may the Forest Service use the possibility that the purchaser might cease operations, abandon the project, or remove the improvements as leverage to justify broader authorization. The agency must evaluate what uses are consistent with the Plan and public interest, not what uses are necessary to preserve the purchaser's investment. Otherwise, any purchaser could create a planning emergency by acquiring a constrained federal-land improvement, selecting an incompatible revenue model, and asserting that the agency must amend the Plan because the investment is not viable under existing rules. That would invert Parts 219 and 251 and create a perverse incentive to proceed without authorization.

D. The agency later created the precise regulatory pathway its sale-period representation treated as unavailable

The remaining agency chronology confirms a material change in position. October 31, 2024 Regional Office notes reflected an intent to retain the same public-benefit use. November and December communications stated that Regional personnel had not advised changing the use code. On January 16, 2025, District staff reported that the current purchaser wanted to change the use and had been told the Forest Service was not interested in doing so. January 22-27 communications treated coffee, food, showers, laundry, and overnight stays as uses that would not be approved under the proposed authorization and noted unresolved capability review. The applicant nevertheless requested immediate cafe authorization and employee housing on March 19, 2025; Regional personnel then offered assistance and later helped develop a more expansive operating plan. By March 2, 2026, the agency was pursuing a parcel-specific Forest Plan amendment and commercial permit.

The APA does not prohibit an agency from changing course. It does require the agency to acknowledge the change, identify the governing criteria, explain why the new position is permissible and preferable, address prior factual premises, and consider serious reliance interests. 5 U.S.C. § 706(2)(A); Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 42-43 (1983); FCC v. Fox Television Stations, Inc., 556 U.S. 502, 515-16 (2009); Department of Homeland Security v. Regents of the University of California, 591 U.S. 1, 30-33 (2020). The June EA and draft decision do none of those things. They do not explain why the current purchaser's failure to secure the desired authority before acquisition warrants relief unavailable to parties that sought guidance in advance.

E. The Forest Service failed to address sale-process reliance, unequal access, and competitive prejudice

The Forest Service's representation could reasonably have affected whether Dodge Ridge or any other prospective purchaser continued to participate, what uses it proposed, how it valued the property, whether it sought financing, what contingencies it required, and what price it was willing to bid. The relevant prejudice is not limited to proof that a particular party would certainly have prevailed at the sale. The problem is that the agency may have constrained the competitive field by telling prudent prospective purchasers that the use could not change, while the successful purchaser proceeded without disclosed pre-purchase approval and later received the benefit of a change-of-use pathway. At minimum, the agency was required to disclose and examine that reliance problem before approving an amendment that materially changes the economic and operational value of the property.

Dodge Ridge, PLR, or any other prospective buyer and the current purchaser need not be identical in every operational respect for the comparison to be probative. The same parcel, the same County sale, and the same change-of-use issue provide an unusually close comparator. Any distinction the Forest Service considers material must appear in the administrative record and be tied to objective, consistently applied criteria. A post hoc assertion that the successful purchaser submitted a more developed proposal cannot cure the antecedent inequity: the successful purchaser was able to develop that proposal after acquiring the property and receiving agency assistance, while other interested parties were told before acquisition that the use could not change. The Forest Service must explain whether all prospective purchasers were informed that a Plan-amendment pathway existed and were afforded an equal opportunity to pursue it before making irreversible bidding and acquisition decisions.

F. The administrative record does not establish a complete and even-handed special-use process under 36 C.F.R. § 251.54

The legal issue is not whether every new special use invariably requires a master development plan. Section 251.54(f)(2) addresses a master development plan in the specific context of a major development pursued through a planning permit. For other special uses, § 251.54 still requires sufficient project detail, evidence of technical and financial capability, initial screening for Plan consistency, health and safety, and conflicts with existing uses, and second-level findings concerning compatibility, public interest, qualifications, feasibility, and capability. The breadth of the proposed lodging, events, food service, retail, alcohol, parking, and other commercial uses demanded a complete, disclosed, and internally consistent record.

The June EA does not identify the complete written proposal presented before the County sale or at each later stage, the date on which any proposal passed initial screening, the second-level screening determination, the technical- and financial-capability evidence, the public-interest and conflict findings, or the guidance provided to the applicant. It does not state whether the applicant disclosed the intended commercial model before closing, whether the Forest Service advised that those uses were unavailable, whether the purchase was conditioned on federal authorization, or whether the purchaser was warned that acquisition conveyed no right to operate. It likewise does not show whether comparable guidance concerning a possible Plan amendment was provided to prospective purchasers. Existing operation or agency assistance is not a substitute for the regulatory screening process, and the Forest Service may not approve the Plan amendment first and defer the threshold authorization questions to later permit administration.

G. Independent need-to-change, existing-concessioner, and alternatives defects reinforce the required remand

The June EA also treats increased visitation as proof that a new commercial site and operator are required. Even assuming increased demand, the agency was required to identify the specific service deficit, quantify it, determine whether existing authorized operators and Zone 2 sites had available or expandable capacity, address the existing-concessioner direction identified in the NFRA comments, and explain why less disruptive alternatives could not meet the need. No solicitation, capacity inquiry, comparative service analysis, or documented opportunity for existing concessioners appears in the decision record.

The agency also has not identified a planning need independent of the successful purchaser's preferred business model, as required by 36 C.F.R. § 219.13, or analyzed the unresolved alternatives required by

7 C.F.R. § 1b.5(c)(2)(ii). Separately, the current applicant's March 2025 employee-housing request is material because the June EA does not disclose whether that use was denied, withdrawn, deferred, or left available for later authorization. That omission is a scope and segmentation defect; it is not dependent on PLR's historical development documents.

Required corrective action. Withdraw or suspend the draft decision; produce and analyze the complete September 9, 2024 Dodge Ridge email chain, all attachments and follow-up communications, the County sale notice and bid materials, all Forest Service communications with potential purchasers, all pre-closing and post-closing communications with the successful purchaser, and the internal use-code and Plan-amendment record. Identify the uses the purchaser intended before closing; what federal authorization was requested or obtained; what warnings, limitations, or contingencies were communicated; what regulatory pathways were disclosed to each interested party; and when the current proposal passed each stage of §§ 251.54 and 251.59 review. The Forest Service must explain its change in position under uniform criteria, address sale-process reliance and competitive prejudice, reject private sunk costs and post-acquisition revenue needs as a substitute for public purpose and need, establish an objective need to change the Plan, and analyze existing-site, existing-concessioner, community-service, enforcement-first, narrower-use, and no-action alternatives.

The agency may not cure these defects through litigation-position explanations, a conclusory statement that circumstances changed, a claim that commercial activity is now necessary to keep the purchaser's investment viable, or a post-decisional permit condition. The explanation and supporting evidence must appear in the contemporaneous administrative record, and the public must receive a meaningful opportunity to evaluate any materially revised rationale or proposal before the decision is reissued.

Any final decision must also state expressly whether employee housing, showers, laundry, expanded lodging, or other uses omitted from the June EA are excluded from the Community Center authorization and operating plan. Any such use that remains contemplated must be separately disclosed, screened, and analyzed. The Forest Service should delete unsupported monopoly or new-operator rhetoric unless it defines the relevant market, supplies evidence, and explains the role of agency-imposed permit and land-use restrictions in producing the existing service configuration.

OBJECTION 2 - THE FONSI CANNOT BE SUSTAINED BECAUSE THE JUNE EA REVERSES THE AGENCY'S APRIL EFFECTS FINDINGS WITHOUT NEW EVIDENCE OR A REASONED BASIS

PLR preserved traffic, parking, utilities, wastewater, emergency access, cumulative commercialization, and economic-stability issues. The April EA recognized those effects. The June EA eliminates them through conclusory assertions without identifying the evidence necessary to support a materially different finding.

Agency deference does not excuse the absence of reasoned analysis. Seven County Infrastructure Coalition v. Eagle County, 605 U.S. 168 (2025), confirms that courts respect reasonable agency judgments within NEPA's proper scope; it does not permit an agency to disregard effects directly caused by the action being approved or to reverse its own findings without explanation. Here, the omitted analysis concerns the immediate consequences of the authorized use itself: events, lodging, shared parking, wastewater, school interaction, alcohol, deliveries, noise, and emergency access.

Required corrective action. Withdraw the FONSI and prepare a supplemental or revised EA identifying the evidence supporting every April-to-June change in conclusion. If the agency lacks reliable data sufficient to rule out significant effects, it must prepare the appropriate level of environmental review rather than presume no significance.

OBJECTION 3 - THE DECISION UNLAWFULLY MISCHARACTERIZES A DURABLE PLAN AMENDMENT AND BROAD COMMERCIAL AUTHORIZATION AS AN ADMINISTRATIVE CORRECTION

The June decision changes the parcel's governing management zone and authorizes an integrated commercial operation: coffee and light food, retail, restaurant activity, public events and rentals, weddings and reunions, lodging and overnight rental groups, parking, and beer and wine service. It also changes the J Lot allocation and authorizes consideration of commercial recreation permits across nearly all Basin zones.

The absence of new exterior construction does not make these land-use and operational changes immaterial. Use intensity may increase through occupancy, hours, turnover, events, deliveries, alcohol service, advertising, and overnight activity without adding square footage. The Forest Service must analyze the authorized use, not merely the existing footprint.

Required corrective action. Withdraw the Zone 2 reclassification or narrow the decision to specific, enforceable uses and capacities actually analyzed. Any permit must establish binding limits on occupancy, lodging capacity, event frequency and size, hours, parking allocation, food-service scope, signage, deliveries, alcohol, and prohibited uses. Assumptions essential to the FONSI must appear as enforceable conditions, not informal expectations.

OBJECTION 4 - INDEPENDENTLY, THE PROPOSED SPECIAL-USE PERMIT IS PROCEDURALLY PREMATURE BECAUSE THE RECORD DOES NOT DISCLOSE COMPLETED 36 C.F.R. § 251.54 SCREENING

The threshold defect identified in Objection 1 independently invalidates the permit decision. Section 251.54 requires sufficient information to evaluate feasibility, public benefit, safety, legal and Plan consistency, conflict with existing authorized uses, compatibility with the purposes for which the lands are managed, public interest, and the proponent's technical and financial capability. These are mandatory pre-application and screening determinations, not post-decisional operating details.

PLR and NFRA raised these requirements during the comment period. The June EA identifies no complete application, initial screening, second-level screening, technical-capability determination, financial-capability determination, conflict analysis, or public-interest finding. Instead, the Needs Assessment relies on the facts that the Center is already operating, that the building has already been sold to a private investor, and that the owner believes the business is viable. Those facts do not satisfy § 251.54. Existing nonconforming operations cannot substitute for screening; a completed purchase cannot establish public interest; and the purchaser's subjective belief cannot substitute for an agency determination of technical and financial capability. Treating those post-acquisition facts as proof of eligibility rewards precisely the sequence the regulation is designed to prevent.

Required corrective action. Withhold any decision or permit until the Forest Service completes and discloses a criterion-by-criterion § 251.54 screening determination addressing compliance history, technical and financial capability, public health and safety, school compatibility, sanitation, traffic and access, conflicts with existing authorized uses, and the public interest.

OBJECTION 5 - THE AGENCY HAS NOT ESTABLISHED A LAWFUL BASELINE OR RESOLVED THE OWNERSHIP-TRANSFER REQUIREMENTS BEFORE TREATING CURRENT OPERATIONS AS AUTHORIZED

Section 251.59 provides that a special-use authorization terminates upon a change of ownership of authorized improvements and that the new owner must apply for and receive a new authorization and satisfy current requirements. Acquisition of the building therefore conveyed no federal entitlement to continue the County's use, to operate commercially, or to obtain a new authorization on terms necessary to support the purchase price. The June EA acknowledges that the County authority and use code were not appropriate for the private owner, but the record available to PLR has not clearly established the date and scope of each authorization between the sale and the proposed decision or what pre-purchase advice was provided to the successful purchaser.

The lawful baseline is dispositive. The EA repeatedly labels coffee, events, lodging, parking, and overnight use as “existing,” then relies on continued operation to minimize impacts and establish viability. The agency must distinguish uses lawfully authorized under a signed permit from temporary, incidental, disputed, unauthorized, or nonconforming activity. It cannot create a no-impact baseline by permitting disputed uses to occur and then treating formal authorization as no change.

Required corrective action. Produce the complete County authorization, termination and transfer record, new-owner application, temporary authorizations, signed permits, operating plans, amendments, and a dated chart of lawful uses. Determine compliance with 36 C.F.R. § 251.59 and analyze the proposed decision against the last lawful baseline.

OBJECTION 6 - THE FOREST SERVICE IS USING A FOREST PLAN AMENDMENT AND NEW COMMERCIAL PERMIT TO CURE, RATIFY, AND REWARD DOCUMENTED NONCOMPLIANCE RATHER THAN APPLYING THE ENFORCEMENT FRAMEWORK IN 36 C.F.R. PART 251

Preservation. PLR's timely comments challenged the permit holder's noncompliance, the Forest Service's failure to enforce the existing authorization, the use of unauthorized or disputed operations as the baseline for the EA, and the impropriety of expanding the permit before resolving compliance and capability concerns. The FOIA-produced agency records provide additional, contemporaneous evidence supporting those preserved issues.

A. The agency record documents repeated notice of use limitations and recurring compliance concerns

The available agency chronology does not describe a single inadvertent technical deviation. It reflects repeated notice to the permit holder of the limits governing the facility and repeated Forest Service concern that operations exceeded those limits. In January 2025, agency personnel stated that coffee and food service, showers, laundry, and overnight stays would not be approved under the Community Center permit as proposed. On June 26, 2025, Regional staff advised that the neon open sign had to be removed and that the sign would have been denied had approval been requested. On June 27 and June 30, District staff reminded the operators that the facility was authorized as a Community Center under a service permit—not as a resort, store, or restaurant—and that refreshments were secondary to use of the Community Center rather than a primary attraction. A July 5, 2025 email expressly addressed noncompliance, coffee-shop advertising, and unauthorized signage. On July 25, 2025, Regional staff confirmed that the permit did not authorize the sale or service of alcohol and that omission of an alcohol clause did not imply permission.

Those records establish, at minimum, recurring written warnings, directives, and identified compliance concerns. The materials currently available to PLR do not establish whether every warning was denominated a formal “citation” or notice to cure. That distinction does not diminish the issue; it makes production of the complete enforcement file essential. Any formal citations, inspection reports, notices of noncompliance, directives, photographs, cure demands, responses, and closure determinations must be included in the project record before the agency evaluates an expanded authorization.

B. The EA expressly treats the nonconforming operation as the reason to amend the Plan

The June EA confirms the backward nature of the decision. Its first stated purpose and need is to “Correct a Non-Conforming Use.” The EA acknowledges that the facility is operating as a coffee shop, event space, and lodging facility in Zone 6, which does not authorize those commercial services, and then proposes to reclassify the parcel and issue a commercial permit so that the existing operation may continue legally. The Needs Assessment compounds the problem by treating the fact that the Center is already functioning as a business as evidence of a viable customer base and by relying on the purchaser’s own belief that the operation is viable.

That reasoning impermissibly bootstraps expanded authorization from the very conduct requiring enforcement review. An unauthorized or nonconforming operation cannot establish its own public necessity, prove the applicant’s suitability, create a lawful baseline, or demonstrate entitlement to broader rights. Otherwise, exceeding a permit becomes the method by which a holder creates the “existing condition” and practical pressure needed to secure a Plan amendment.

C. Part 251 requires screening, compliance, and enforcement—not retroactive legalization

The regulatory structure points in the opposite direction. Under 36 C.F.R. § 251.54, a proposed use must be screened for consistency with governing law and the Forest Plan, compatibility with authorized uses and land-management purposes, public interest, proponent qualifications, and the demonstrated ability to comply fully with authorization terms. Section 251.56 requires conditions necessary to protect Federal property, lawful adjacent users, lives and property, efficient management, and the public interest. Section 251.60 authorizes suspension or revocation for noncompliance with statutes, regulations, or authorization terms and ordinarily requires written notice and a reasonable opportunity to cure.

PLR does not contend that § 251.60 mechanically requires revocation for every violation. It does require the agency to confront the compliance record and exercise its enforcement discretion rationally. The Forest Service may not omit a compliance determination, permit disputed uses to continue, characterize those uses as existing operations, and then select a Plan amendment as the remedy without explaining why enforcement, cure, suspension, a narrowed permit, or rejection would not protect the public interest. A Plan amendment is a land-management decision, not an after-the-fact compliance waiver.

D. The proposed cure rewards the permit holder and creates an arbitrary incentive to violate first and seek authorization later

The practical and legal consequence is a reward for noncompliance. Other permittees and prospective purchasers are expected to disclose intended uses, obtain advance approval, remain within existing permit limits, and absorb the consequences when expansion is denied. Here, the current permit holder purchased first, pursued or operated uses the agency had identified as outside the authorized framework, received repeated reminders and compliance communications, and is now offered a permanent Zone 2 designation and a substantially broader commercial permit covering many of the same activities.

That sequence creates a perverse incentive: a holder who complies remains constrained, while a holder who exceeds the authorization may generate the operational history, asserted customer demand, sunk-cost pressure, and claims of financial necessity used to justify legalization. The APA does not permit the agency to administer materially different standards without acknowledging the disparity and providing a reasoned explanation grounded in the public interest. Nor may the Forest Service treat the applicant's noncompliance as evidence of technical capability or suitability to receive expanded authority.

E. Using noncompliant activity as the baseline masks the environmental and operational consequences of the decision

The enforcement failure also infects the NEPA analysis. The relevant baseline is the last lawful condition—not the level of activity achieved through disputed, temporary, incidental, or unauthorized operations. By describing coffee service, events, lodging, signage, and other commercial activity as already occurring, the EA minimizes the proposed permit as a continuation and concludes that formal authorization will cause little or no change. That approach allows unlawful or disputed activity to erase the impacts of legalizing and expanding it.

Required corrective action. Withdraw or withhold the draft decision and commercial permit. Require a written, record-supported compliance audit identifying every alleged violation, formal citation, warning, directive, inspection, unauthorized use, corrective action, response, and cure determination from acquisition through the present. Determine expressly whether suspension, revocation, modification, a notice to cure, or other action under 36 C.F.R. § 251.60 is warranted. Enforce the currently lawful authorization and require cessation of unapproved uses while compliance is resolved. Redo the § 251.54 screening using the applicant's compliance history and demonstrated capacity and willingness to comply fully. Exclude unauthorized or nonconforming operations from the baseline, needs assessment, viability analysis, and public-interest determination. No expanded authorization should issue unless the agency first finds in writing that all identified violations have been cured, the lawful baseline has been established, the applicant is qualified and capable of full compliance, and expansion—rather than enforcement or a narrower authorization—is independently justified by the public interest.

OBJECTION 7 - THE AGENCY HAS NOT ESTABLISHED THAT ALTERATIONS TO THE BUILDING OR CHANGES IN ITS SERVICE CONFIGURATION RECEIVED REQUIRED FOREST SERVICE PRECONSTRUCTION APPROVAL AND TUOLUMNE COUNTY PERMITS

Preservation. PLR's timely comments challenged permit scope, noncompliance, wastewater and sanitation capacity, lodging, food and beverage service, alcohol, public health and safety, and the EA's reliance on an asserted no-construction baseline. The agency chronology and PLR's subsequent observations provide additional evidence that the applicant proposed and implemented changes to the building and its service configuration. To the extent the precise construction and permit history was not available during the comment period, it is newly available information that must be addressed under 36 C.F.R. § 218.8.

A. The record identifies a total renovation and transformation plan but does not disclose the approval history for the resulting work

The January 22, 2025 agency chronology describes the purchaser's plan for a total renovation and a transformation of the facility involving food service and overnight stays. The June EA nevertheless repeatedly characterizes the federal action as administrative, non-physical, and involving no construction or alteration. Elsewhere, the EA acknowledges that minor modifications such as signage or interior improvements may occur. Those statements cannot substitute for a factual inventory of what work was proposed, what work was actually performed, when it occurred, and which governmental approvals preceded it.

PLR understands and has observed that the building and the arrangement of services changed after the County sale. The project record available to PLR does not contain Forest Service-approved plans for those changes, County building permits, inspection records, correction notices, final approvals, or a certificate of occupancy establishing that the altered areas and resulting uses may lawfully be occupied and operated. The absence of those records in PLR's possession is not by itself conclusive proof that no approvals exist. It is, however, a material record gap that the Forest Service must resolve before it treats the current configuration as lawful, safe, or suitable for expanded authorization.

B. Forest Service preconstruction approval was required before development within the authorized area

Under 36 C.F.R. § 251.56(c), Forest Service approval of the location, design, and plans or standards for all developments within an authorized area is required before construction. This requirement is independent of whether the work expands the exterior footprint. Interior construction, conversion of rooms, installation or relocation of service facilities, signs, utility changes, and other development associated with a changed use must be evaluated against the actual permit, operating plan, approved drawings, Forest Plan, environmental review, and applicable authorization conditions. The current record does not identify each development, the date approval was requested, the plans submitted, the approving official, or the written approval issued.

C. County permitting and inspection requirements cannot be displaced by a Federal Plan amendment

Tuolumne County's Building and Safety Division states that building-permit applications are reviewed for all construction and remodeling projects in the unincorporated County. The County's Code Compliance program expressly identifies building without a permit as a violation. Section 251.56 requires special-use authorizations to account for applicable public-health, safety, siting, construction, operation, and maintenance standards and recognizes County building permits and similar approvals as appropriate authorization conditions. A Forest Plan amendment does not legalize unpermitted construction, excuse inspections, or replace County fire, building, environmental-health, accessibility, sanitation, or occupancy requirements.

The shift from a Community Center to food service, retail, events, lodging, and alcohol-related activity may implicate occupancy classification, occupant load, means of egress, fire and life safety, accessibility, commercial kitchen or food-service requirements, plumbing and electrical capacity, wastewater loading, and health permits. The Forest Service may not assume those issues away merely because the exterior structure already existed. It must identify the specific approvals required for the actual work and uses and verify that each approval was obtained and finally inspected.

D. The EA cannot rely on an altered facility while describing the action as non-physical and impact-free

The EA's no-construction premise addresses only what the proposed decision purports to authorize in the future. It does not answer whether alterations already occurred before Forest Service approval, before County permits, or before adequate NEPA review. If the present configuration was created through unapproved work, the agency cannot use that configuration as the environmental baseline and then declare that the permit will cause no physical change. That approach would allow completed or partially completed noncompliance to erase the effects of the very construction and service conversion the agency is now asked to ratify.

E. Retroactive accommodation would compound the reward-for-noncompliance defect

This issue reinforces Objection 6. A permit holder who performs work or changes the service configuration without required approvals cannot obtain a regulatory advantage from the completed condition. The Forest Service must not treat the cost of alterations, the existence of installed facilities, the inconvenience of restoring the building, or the business dependence on the altered configuration as reasons to amend the Plan. Otherwise, the agency rewards the failure to seek approval and converts sunk costs generated by noncompliance into leverage for expanded rights on National Forest System lands.

Required corrective action. Withdraw or withhold the draft decision and proposed commercial permit. Require a joint alteration-and-permit audit before any expanded authorization is considered. The audit must identify every physical alteration, interior improvement, sign, utility modification, room conversion, plumbing or electrical change, food-service installation, lodging-related improvement, and change in occupancy or service configuration made after the County sale; the date and contractor for each item; the Forest Service proposal, plans, environmental review, and written preconstruction approval; every Tuolumne County building, planning, fire, environmental-health, sanitation, accessibility, and occupancy permit or approval; all inspections, correction notices, final approvals, and certificates of occupancy; and all photographs, invoices, scopes of work, and as-built plans necessary to verify the work. Pending completion of that review, prohibit use of any altered area or service whose approval cannot be documented. Determine whether restoration, removal, after-the-fact permitting, additional NEPA review, a notice to cure, suspension, or other enforcement is required. Do not issue expanded commercial authority until the Forest Service makes written findings that the building's current configuration and each proposed service are lawful, inspected, safe, consistent with the authorization, and independently supportable under Parts 219 and 251.

OBJECTION 8 - INDEPENDENTLY, THE PLAN AMENDMENT FAILS 36 C.F.R. § 219.13 BECAUSE THE ASSERTED NEED FOR CHANGE IS DERIVATIVE OF THE CURRENT APPLICANT’S NONCONFORMING USE

As explained in Objection 1, § 219.13(b)(1) requires a preliminary identification of the need to change the Plan, and § 219.13(b)(5) requires the directly related substantive requirements to be selected from the amendment's purpose and beneficial and adverse effects. Section 219.15 identifies multiple lawful responses to project inconsistency: modify the proposal, reject or terminate it, amend the Plan, or amend the Plan contemporaneously with approval. The existence of amendment authority does not make amendment the presumptive remedy and does not relieve the agency of explaining why modification, rejection, enforcement, or use of existing authorized sites would not satisfy the public interest.

The June EA identifies the current nonconforming activity, the private sale, and the purchaser's desired revenue-producing uses as reasons to change the Plan. Those are consequences of the acquisition and post-acquisition operating choices, not proof that Zone 6 is defective as a planning matter. The EA does not demonstrate that community, school, administrative, public-service, and narrowly incidental uses cannot continue under a properly structured authorization. Nor does it explain why the proper response to a new owner's incompatible business model and documented compliance concerns is a broader commercial entitlement rather than rejection, enforcement, a narrowed proposal, removal or transfer of improvements, or use of existing authorized commercial sites. A private transaction cannot manufacture a federal planning need.

The agency also selected only the social/economic sustainability and multiple-use provisions as directly related to the amendment, then relied heavily on unquantified economic claims. The analysis does not seriously engage the infrastructure-capacity, visitor-experience, public-safety, and long-term planning consequences identified in PLR's comments and in the April EA.

Required corrective action. Prepare a revised plan-amendment determination that compares the alternatives recognized in § 219.15, identifies a planning need independent of the current owner's acquisition, sunk costs, revenue requirements, and preferred business objectives, applies all directly related substantive requirements, and explains why rejection, a narrower authorization, enforcement of existing direction, or use of existing commercial sites is inadequate. The revised determination must not treat the purchaser's post-acquisition need to monetize the building as a changed condition requiring amendment of the Forest Plan.

OBJECTION 9 - THE EA VIOLATES 7 C.F.R. § 1b.5(c)(2)(ii) BY OMITTING ADDITIONAL ALTERNATIVES DESPITE UNRESOLVED CONFLICTS OVER AVAILABLE RESOURCES AND USES

The June EA asserts that no noncommercial authorization is feasible because even occasional paid rental is commercial, and therefore the building would ultimately be removed if the commercial amendment and permit are not approved. That framing assumes continuation of the current purchaser's preferred revenue model and converts the purchaser's post-acquisition economic position into a threat against the no-action alternative. But the possibility that the purchaser may decline to operate, sell, transfer, or remove the improvements if the preferred commercial model is not authorized is a foreseeable consequence of acquiring improvements before securing federal approval; it is not a reason to redefine the public interest. The analysis does not resolve the documented conflicts over continued school and public-service use, enforcement of the existing authorization, narrower incidental services, expansion through existing authorized sites, lodging and alcohol limitations, parking, or use of other Zone 2 commercial locations. Under 7 C.F.R. § 1b.5(c)(2)(ii), the presence of those unresolved conflicts defeats the premise that the EA could proceed without additional alternatives.

PLR's comments proposed alternatives and identified existing alternative infrastructure. The April EA stated that no alternatives were considered in detail. The June document still provides no developed comparison of reasonable middle options, even though § 219.15 expressly contemplates modification or rejection as alternatives to amendment.

Required corrective action. Analyze, under consistent assumptions, an enforcement-first alternative; a school/community/public-service authorization; a limited incidental-service permit; an existing-concessioner or existing-Zone-2 expansion alternative; a no-lodging/no-alcohol alternative; transfer, sale, or removal of the improvements under the applicable authorization; and separate treatment of the J Lot and Basin-wide commercial language. Do not reject an alternative merely because it does not preserve the current purchaser's preferred revenue model or anticipated return on investment.

OBJECTION 10 - THE WASTEWATER AND WATER-SYSTEM FINDINGS ARE CONCLUSORY, OMIT ESSENTIAL BASELINE DATA, AND CANNOT SUPPORT A FONSI

PLR's comments identified a long-standing, potentially controlling wastewater constraint and requested current loading, reserve capacity, peak-season flows, and comparison to prior capacity-based decisions. The June EA responds that the building is connected, existing sewer drops are sufficient, no restrooms are added, and no change in wastewater generation is expected.

Those statements do not analyze the actual authorized mix of restaurant/food service, events, weddings, overnight rental groups, school use, and alcohol service. Wastewater generation depends on occupancy, duration, event frequency, food preparation, lodging nights, staffing, and peak concurrency, not merely the number of plumbing fixtures or the absence of new construction. The record does not disclose a capacity letter, current flow data, reserve allocation, or utility-provider analysis.

Required corrective action. Obtain and disclose utility-provider or engineering determinations identifying design capacity, current and peak loading, reserve capacity, lawful occupancy assumptions, and incremental flows for each authorized use. Unless that record demonstrates adequate capacity under peak conditions, withdraw the FONSI.

OBJECTION 11 - THE PARKING, TRAFFIC, J LOT, PEDESTRIAN-SAFETY, AND EMERGENCY-ACCESS FINDINGS LACK THE QUANTIFIED ANALYSIS REQUIRED FOR REASONED DECISIONMAKING

The June EA acknowledges that Basin parking routinely exceeds capacity, visitors circulate in search of spaces, and pedestrian-vehicle conflicts occur. It then concludes that the project will create no measurable change because the building does not add square footage or lodging capacity. That conclusion does not account for the decision's authorization of broader public services, public events, weddings and reunions, overnight rental groups, restaurant activity, alcohol, deliveries, employees, and shared school parking.

The J Lot decision is also not merely a correction of ownership terminology. Moving the lot from Administrative/Utilities Infrastructure to Day Use changes the governing land-use framework and may affect overnight overflow, permittee operations, emergency staging, school needs, utilities, and future parking management. PLR preserved parking and circulation concerns, and the June reclassification adds a distinct decision consequence.

Required corrective action. Remove the J Lot reclassification from this decision; conduct a parking-specific analysis; quantify trip generation, employee and delivery trips, school overlap, event surges, lodging turnover, and pedestrian conflicts; consult fire, EMS, law enforcement, and the school district; and adopt enforceable parking, evacuation, and traffic-management requirements before authorization.

OBJECTION 12 - THE SCHOOL AND ALCOHOL ANALYSIS FAILS TO ADDRESS REASONABLY FORESEEABLE SAFETY EFFECTS AND CANNOT BE CURED BY A SCHOOL-HOURS CONDITION

The June EA expressly marks on-premises beer and wine sales as a new use and acknowledges that alcohol may increase law-enforcement or administrative needs. It relies on ABC compliance and a restriction against sales during specified school hours when children are present. PLR's comments had already raised the school, liquor-license, limited-law-enforcement, emergency-response, parking, and transient-user issues.

A school-hours condition does not address after-school activities, weekend student presence, overlapping youth events, shared entrances and parking, deliveries, event crowding, intoxicated patrons, overnight guests, incident response, evacuation, or enforcement in a remote seasonal setting. Nor does the EA identify occupancy limits, responsible-beverage-service requirements, security plans, incident reporting, or coordination with the school district and emergency agencies.

Required corrective action. Remove alcohol from the proposed permit unless and until the Forest Service completes a site-specific safety analysis. Any future authorization must prohibit alcohol whenever school or youth programming is present, require event-specific approval, establish occupancy and service limits, require law-enforcement and EMS coordination, mandate incident reporting, and provide enforceable suspension and revocation criteria.

OBJECTION 13 - THE ECONOMIC-SUSTAINABILITY AND “MONOPOLY” FINDINGS LACK AN EVIDENTIARY BASIS AND IGNORE AGENCY-CREATED CONSTRAINTS ON EXISTING OPERATORS

The June EA claims that adding a new commercial operator will diversify the economy, reduce concentration, and improve resilience. PLR and NFRA raised the opposite risk: in a finite seasonal market, duplicative services can fragment demand, weaken the operators responsible for year-round facilities and employment, and reduce the incentive to reinvest. The agency did not obtain sales, occupancy, hours, employment, capital-investment, tax, or service-capacity data sufficient to choose between those competing claims.

The analysis also omits a material use expressly requested by the current applicant: employee housing. The June EA does not say whether that request was rejected, withdrawn, deferred, or remains available through later permit modification. That omission matters because the environmental, parking, wastewater, operational, and economic effects of employee housing differ from the effects of public lodging and visitor-facing commercial services. The agency may not withhold a requested component from public review and later authorize it administratively under the broader Zone 2 designation.

Required corrective action. Replace the conclusory competition narrative with a comparative economic analysis addressing existing-permittee capacity, jobs, operating hours, capital investment, service reliability, and the effect of dividing finite seasonal demand. Disclose the disposition of the current applicant's employee-housing request and analyze it separately before any authorization. The agency must explain why the selected uses advance Basin stability more effectively than expansion through existing authorized operators and sites.

OBJECTION 14 - THE BASIN-WIDE OUTFITTER-GUIDE, CONCESSIONAIRE, AND EVENT-PERMIT LANGUAGE EXCEEDS THE SITE-SPECIFIC PURPOSE AND SCOPE OF THE PROJECT

PLR's comments extensively challenged the all-zones language, including parking and staging, displacement of general public access, possible encroachment into recreation-residence and other noncommercial areas, cumulative commercialization, and the lack of geographic or operational limits. The June revision excludes Zone 5 and adds compatibility language, but it still changes plan direction throughout the Basin in a project initiated to address one privately owned building.

The EA does not inventory existing or pending commercial applications, identify likely locations, define capacity, establish caps, analyze zone-specific conflicts, or evaluate cumulative parking, infrastructure, public-access, and visitor-experience consequences. Generic future permit review is not a substitute for analyzing the planning framework being adopted now.

Required corrective action. Delete the Basin-wide language from this project. Any Basin-wide amendment must proceed through a separate planning process with zone-specific analysis, public participation, capacity standards, geographic limits, and enforceable safeguards for recreation residences, public access, infrastructure, and existing authorized uses.

OBJECTION 15 - THE AGENCY'S OWN EMAILS DOCUMENT A MATERIAL CHANGE IN POSITION, KNOWN COMPLIANCE CONCERNS, AND AN UNEXPLAINED DEPARTURE FROM PRIOR INTERPRETATIONS

The selected agency emails are probative because they show what the Forest Service understood about the site and proposed uses before the June decision. The identified records include statements that the use could not change; that the facility was a community center under a service permit rather than a resort, store, or restaurant; that public coffee service should be framed as secondary hospitality for existing users; that signage and advertising were not authorized; that food, showers, laundry, overnight stays, and alcohol raised authorization concerns; and that financial review was incomplete. Later records show a shift toward a Forest Plan amendment and commercial permit. The compliance chronology and the unlawful use of the Plan amendment as a cure are addressed independently in Objection 6 and cannot be dismissed as collateral permit-administration matters.

PLR does not contend that every preliminary staff email independently binds the Responsible Official. The emails are nevertheless material evidence of the agency's contemporaneous interpretation, factual understanding, notice of compliance problems, and treatment of reliance interests. The decision cannot lawfully proceed as though the agency consistently regarded the current commercial model as permissible when its own records show otherwise.

Required corrective action. Include the selected emails in the project record; provide a record-specific response to each material statement; identify what uses were lawfully authorized during each period; explain the factual and legal basis for the agency's change in position; and complete enforcement and capability review before granting expanded authority.

OBJECTION 16 - THE RESPONSE TO COMMENTS AND CONSULTATION RECORD ARE PROCEDURALLY INADEQUATE AND DO NOT DISCLOSE HOW MATERIAL OBJECTIONS WERE RESOLVED

The June EA lists persons and entities as “consulted” while clarifying that they were invited to provide feedback and did not directly contribute to development of the proposed action. It states that responses to comments are in the project record, but the EA does not identify where the core PLR and NFRA issues were resolved through data, analysis, permit terms, or changes to the decision.

Listing commenters is not a reasoned response to wastewater capacity, § 251.54 screening, FSM 2343.03(2), prior agency representations, parking, school/alcohol safety, economic sustainability, noncompliance, J Lot, and all-zones commercial expansion. The reviewing officer should be able to trace each material comment to an agency answer and to the supporting record.

Required corrective action. Prepare a response-to-comments document addressing PLR's May 2026 comments and the incorporated NFRA comments by issue and page, citing the supporting administrative record and identifying every change made to the EA, FONSI, Plan amendment, permit, operating plan, mitigation, or monitoring requirements.

OBJECTION 17 - THE EXPLORE ACT DOES NOT SUPPLY MISSING STATUTORY AUTHORITY, FACTUAL FINDINGS, OR COMPLIANCE WITH PARTS 219 AND 251

PLR does not dispute the EXPLORE Act's general support for recreation access, modernized permitting, and gateway communities. The defect is using broad national policy as a substitute for site-specific proof of need, plan-amendment rationale, infrastructure capacity, special-use screening, public safety, existing-concessioner policy, and a reasoned response to the agency's own records.

Nothing in the cited policy eliminates the requirements of 36 C.F.R. Parts 218, 219, and 251 or supplies missing factual findings. The approval must stand on the actual proposed uses, the governing Plan, the screening record, and reliable project-specific evidence.

Required corrective action. Treat the EXPLORE Act solely as background policy. Every material approval finding must be independently supported by the Forest Plan, applicable regulations and directives, completed special-use screening, and reliable project-specific evidence.

VI. MANDATORY RESOLUTION REQUESTED

1. Direct the Responsible Official to withdraw the draft Decision Notice and FONSI and refrain from implementing the proposed action.
2. Direct removal of the Community Center parcel from the proposed Zone 2 reclassification unless a lawful planning need, independent of the current owner's preferred business model, is demonstrated through a revised public process.
3. Direct deletion of the Basin-wide outfitter-guide, concessionaire, and event-permit language and require any Basin-wide amendment to proceed as a separate planning action.
4. Direct removal of the J Lot reclassification and require a separate analysis of parking, overnight overflow, utility, school, permittee, evacuation, and emergency functions.
5. Require completion and disclosure of the 36 C.F.R. § 251.54 initial and second-level screening, including technical and financial capability, public interest, health and safety, Plan consistency, and conflicts with existing authorized uses.
6. Require production and analysis of the 36 C.F.R. § 251.59 transfer and authorization record and identification of the last lawful baseline of authorized uses.
7. Require a written determination identifying all pre-purchase contacts between the successful purchaser and the Forest Service; the uses disclosed before closing; the guidance, warnings, and limitations provided; whether the acquisition was contingent on federal approval; and whether the purchaser was informed that acquisition conveyed no right to continue or expand use.
8. Direct the Responsible Official not to rely on the purchaser's sunk costs, purchase price, post-acquisition revenue needs, subjective belief in viability, or threatened cessation or removal of the improvements as evidence of public need, Plan inconsistency, technical or financial capability, or entitlement to a Plan amendment.
9. Require an enforcement-first compliance audit identifying every formal citation, notice of noncompliance, warning, directive, inspection, unauthorized use, corrective action, response, and cure determination; establish the last lawful operating baseline; determine whether action under 36 C.F.R. § 251.60 is warranted; require cessation of unapproved uses pending resolution; and prohibit issuance of expanded authority unless the agency makes written findings that all violations have been cured and that the applicant is qualified and capable of full compliance.

10. Require a separate alteration-and-permit audit identifying every post-sale physical change and change in occupancy or service configuration; produce the Forest Service approvals required by 36 C.F.R. § 251.56(c), all Tuolumne County building, fire, planning, environmental-health, sanitation, accessibility, and occupancy approvals, all inspection and correction records, and all as-built plans and photographs; prohibit use of any altered area or service whose approval cannot be documented; and determine whether restoration, removal, after-the-fact permitting, supplemental NEPA review, or enforcement is required before any expanded authorization may issue.
11. Require a revised Needs Assessment based on objective demand, capacity, occupancy, operating-hour, seasonality, and service-access data.
12. Require the Forest Service to document whether and how FSM 2343.03(2) was applied; identify any departure from that direction; and provide existing concessioners a meaningful, written opportunity to meet any objectively demonstrated increased public need before authorizing a new commercial site or operator.
13. Require a focused comparative record concerning the County sale and the Community Center: every prospective-purchaser inquiry known to the Forest Service; the date, content, and recipient of each agency response; the uses discussed; whether a Forest Plan amendment or other change-of-use pathway was disclosed; whether prospective purchasers were told to condition acquisition on federal approval; the assistance provided before and after the sale; and the stated rationale for materially different treatment.
14. Require production and analysis of the complete September 9, 2024 Dodge Ridge email chain, all attachments and follow-up communications, the September 11, 2024 sale notice and bid materials, internal October 2024 through March 2026 use-code and amendment communications, and all communications with Tuolumne County concerning allowable use, sale conditions, purchaser qualifications, or post-sale permit processing.
15. Require a reasoned written determination addressing whether the Forest Service's sale-period representation affected participation, valuation, proposed uses, or access to the acquisition opportunity; identify any objective distinction between Dodge Ridge and the successful purchaser; and explain why the later Plan-amendment pathway was not disclosed or made equally available during the sale process.
16. Require express exclusion of employee housing, showers, laundry, expanded lodging, and other unexamined services from the Community Center permit and operating plan unless each use is separately disclosed, analyzed, screened, and subjected to public review.
17. Require quantified wastewater, water, parking, traffic, pedestrian, emergency-response, evacuation, and school/public-safety analysis based on the maximum uses the permit would authorize.
18. Direct removal of alcohol service unless and until a site-specific safety analysis and enforceable operating conditions are completed.
19. Require analysis of reasonable alternatives, including enforcement-first, community/school/public-service, limited incidental service, no lodging/no alcohol, existing-concessioner or existing-Zone-2 expansion, and separate J Lot and Basin-wide actions.
20. Require reconciliation of the April and June effects findings and disclosure of the evidence supporting each changed conclusion.
21. Require a reasoned written explanation addressing the September 9, 2024 Dodge Ridge communication, the subsequent internal Forest Service chronology, the change in position, the sale-process reliance interests, and the materially different regulatory assistance afforded to the successful purchaser.

22. Require a written response to PLR's prior comments and the incorporated NFRA comments, with citations to the administrative record.
23. Complete signed permit and operating-plan record from the County sale through the proposed decision, including all amendments, temporary authorizations, billing records, and approval dates.
24. Complete 36 C.F.R. § 251.59 transfer-of-improvements determination and new-owner application/authorization record.
25. Complete § 251.54 proposal, initial screening, second-level screening, financial/technical capability materials, and public-interest/conflict findings.
26. Wastewater and water-system capacity, current and peak loading, reserve capacity, and utility-provider analysis.
27. Parking and traffic information addressing school use, approximately 30 shared spaces, events, lodging, employees, deliveries, J Lot, pedestrians, and emergency access.
28. Existing-service and concessioner-capacity information, including any outreach or opportunity provided under FSM 2343.03(2).
29. Law-enforcement, fire, EMS, school-district, and public-safety consultation concerning alcohol, events, overnight occupancy, and evacuation.
30. Written response-to-comments document and the evidence supporting the June reversal of impact findings stated in the April EA.
31. Complete Forest Service preconstruction-approval record under 36 C.F.R. § 251.56(c), including every proposal, scope of work, plan, drawing, interior layout, site plan, environmental-review determination, written approval, inspection, as-built submission, and correspondence concerning physical alterations or changed service areas.
32. Complete Tuolumne County permit and inspection record for 2 Pinecrest School Road from the County sale through the present, including building, planning, fire, environmental-health, food-service, sanitation.accessibility, sign, electrical, plumbing, mechanical, change-of-occupancy, and certificate-of-occupancy records; correction notices; code-compliance complaints; inspection results; and final approvals.
33. Before-and-after photographs, contractor and subcontractor records, invoices, scopes of work, material lists, construction schedules, and as-built plans sufficient to identify all post-sale alterations and the service or occupancy changes each alteration was intended to support.
34. A written Forest Service determination identifying the last lawfully approved physical configuration of the building, the approval status of every later alteration, whether unapproved work must be removed or restored, and whether any altered area or service must cease operation pending County and Forest Service approval.

VII. CONCLUSION AND REQUEST THAT THE OBJECTION BE SUSTAINED

The proposed decision cannot be sustained as a lawful exercise of agency discretion. The Forest Service reversed the required order of federal special-use review. Prudent prospective purchasers asked before acquisition and were told that the use could not change; the successful purchaser acquired the improvements without any disclosed authorization for the desired commercial model and was later afforded agency assistance and a parcel-specific Plan amendment. The agency then treated the private sale, existing nonconforming operation, and the purchaser's asserted need for commercial viability as reasons to alter the public land-management framework. It also moved directly from an asserted increase in visitor demand to a new commercial entitlement without establishing that existing authorized sites and permittees could not meet the need; without identifying a Plan-level need for change independent of the applicant's acquisition and preferred business model; without analyzing reasonable alternatives despite unresolved conflicts; and without disclosing the public-interest, conflict, capability, and compatibility screening required by § 251.54. These are defects in the agency's factual premise, purpose and need, alternatives analysis, special-use screening, Plan-amendment rationale, sale-process fairness, and APA compliance - not peripheral policy disagreements. The decision also rewards documented noncompliance by treating a nonconforming commercial operation as both the condition to be corrected and the evidence supporting its own legalization. That reverses the enforcement framework of Part 251 and undermines uniform administration of special-use authorizations.

Each principal defect independently warrants remand; considered together, they require withdrawal of the draft Decision Notice and FONSI. PLR therefore requests that the Reviewing Officer sustain the objection and direct the Forest Service to restore the proper sequence of decisionmaking: first determine the uses consistent with the Forest Plan and public interest; then complete screening and environmental review; and only then issue an authorization. The Forest Service must confront its contemporaneous representation to Dodge Ridge, determine what the successful purchaser sought and was told before acquisition, account for the effect of agency representations on the County sale, explain the later change in position under objective and uniform criteria, reject post-acquisition viability and sunk-cost considerations as a planning rationale, complete the Part 251 screening record, establish an independent need to change the Plan, test that need against existing authorized capacity and reasonable alternatives, and prepare a revised environmental analysis supported by evidence rather than assumption. The remand must require an enforcement-first determination, restoration of the lawful baseline, and resolution of all outstanding compliance matters before any expanded commercial authority is reconsidered.

Respectfully submitted,

PINECREST LAKE RESORT, LLC

By: /s/ Laurie Cashman

Name:Laurie Cashman

Title: General Manager

Date: 7/24/26

EXHIBIT A - PRIOR PINECREST LAKE RESORT COMMENTS

Pinecrest Lake Resort formal comments on the April 2026 EA, including Appendix A incorporating the National Forest Recreation Association comments dated May 17, 2026. The objection references these comments by date and PDF page pursuant to 36 C.F.R. § 218.8(b)(4). Attaching a copy is recommended for convenience but is not the sole basis for preservation.

EXHIBIT B - DODGE RIDGE, COUNTY-SALE, AND COMPARATIVE-TREATMENT RECORD

- September 9, 2024 email chain involving Eric Sandberg / Dodge Ridge and the Forest Service concerning Tuolumne County's proposed sale of the Community Center and potential changes in use, together with every attachment and follow-up communication.
- All Forest Service communications with the successful purchaser before execution of the purchase agreement and before closing, including any description of intended uses, request for change of use, request for a new authorization, discussion of Forest Plan consistency, warning that the permit would not transfer, advice to condition the purchase on federal approval, and any statement concerning the likelihood of a Plan amendment.
- Tuolumne County's September 11, 2024 notice of sale, bid package, sale conditions, Board materials, purchaser communications, and any Forest Service correspondence with the County concerning allowable uses, permit transfer, purchaser qualifications, or the effect of the governing Forest Plan on the sale.
- October 2024 through January 2025 Regional and District communications concerning the existing use code, the instruction or preference to retain the same public/community use, other interested purchasers, and statements that broader commercial uses would not be approved.
- The complete proposal and assistance record for the successful purchaser, including the March 19-20 and April 19, 2025 cafe-vendor, employee-housing, operating-plan, and Regional-assistance communications and every later revision leading to the proposed Plan amendment and commercial permit.

EXHIBIT A – PRIOR PINECREST LAKE RESORT COMMENTS

Pinecrest Lake Resort's formal comments on the April 2026 Environmental Assessment, including Appendix A, which incorporates the National Forest Recreation Association comments dated May 17, 2026.

The Objection specifically identifies and references the applicable prior comments by date, PDF page number, and subject matter pursuant to 36 C.F.R. § 218.8(b)(4). A complete copy of the prior comments is attached for the Reviewing Officer's convenience and to provide a clear record of the issues previously raised by Pinecrest Lake Resort.

The attachment is not intended to limit the scope of the issues preserved through the Objection's specific citations to, and explanations of, the prior comments.

FORMAL OBJECTION – 36 CFR PART 218

Objector: Pinecrest Lake Resort

Project: Pinecrest Basin Management Direction – Community Center Forest Plan Amendment and Special Use Permit (#68965)

EXECUTIVE SUMMARY

This objection challenges the proposed Forest Plan Amendment and Special Use Permit for the Pinecrest Community Center as legally deficient, factually unsupported, and inconsistent with governing land management direction. The Environmental Assessment ("EA") and Finding of No Significant Impact ("FONSI") fail to take the "hard look" required under the National Environmental Policy Act ("NEPA"), are inconsistent with the National Forest Management Act ("NFMA"), and reflect arbitrary, capricious, and inequitable decision-making in violation of the Administrative Procedure Act ("APA").

The proposal is not a minor administrative correction or clarification. It represents a substantive, precedent-setting expansion of commercial use within the Pinecrest Basin. The proposed action would fundamentally alter the management direction for the site by reclassifying an area historically governed by noncommercial land management objectives to one that permits expanded commercial flexibility and intensified use. The proposal authorizes additional commercial activity without adequately demonstrating infrastructure capacity, unmet public demand, financial feasibility, technical capability, or consistency with prior agency representations, enforcement history, and past Forest Service determinations regarding allowable use at this location.

Forest Plans are intended to serve as the long-term framework governing management decisions on National Forest System lands. The U.S. Forest Service's direction is to implement existing Forest Plans and management direction as the governing structure for land stewardship, recreation management, infrastructure planning, and public benefit. These plans are developed through extensive public involvement and are intended to provide durable guidance for the foreseeable future. They are not intended to be routinely amended, weakened, or selectively modified to accommodate the preferences or business objectives of individual applicants or permit holders. To do so undermines the integrity of the forest planning process, erodes public confidence in agency decision-making, and converts long-range public land management into a reactive process driven by private interests rather than consistent public stewardship and resource protection.

The administrative record also reflects critical omissions and analytical failures. The EA does not adequately analyze wastewater and sewer capacity constraints within the Basin, despite longstanding, documented infrastructure limitations. The analysis fails to include meaningful occupancy data, sales data, or operational demand projections for existing year-round businesses in the Basin, and omits a thorough evaluation of the cumulative impacts of expanding commercial activity on already constrained public lands. The document further fails to adequately address the presence of an operating school at the facility, the implications of the facility's liquor license and alcohol-related operations, or the reasonably foreseeable public safety concerns associated with expanded visitor concentration and alcohol service in an area characterized by limited law enforcement presence, constrained emergency response capability, traffic congestion, and seasonal infrastructure strain.

TABLE OF AUTHORITIES

Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989): NEPA requires agencies to take a "hard look" at environmental consequences and disclose them before action is taken; unsupported conclusions are insufficient.

Sierra Club v. Marsh, 976 F.2d 763 (1st Cir. 1992): Agencies must analyze indirect and cumulative effects where the proposed action may trigger future environmental consequences or stress known limits.

Native Ecosystems Council v. U.S. Forest Serv., 428 F.3d 1233 (9th Cir. 2005): Agency decisions cannot rest on assumptions or speculation where relevant data is available or necessary.

Great Basin Resource Watch v. Bureau of Land Mgmt., 844 F.3d 1095 (9th Cir. 2016): Environmental analysis must be grounded in credible baseline information sufficient to assess impacts.

Mid States Coalition for Progress v. Surface Transp. Bd., 345 F.3d 520 (8th Cir. 2003): NEPA requires consideration of indirect impacts, including economic and operational effects that foreseeably flow from the action.

Hughes River Watershed Conservancy v. Glickman, 81 F.3d 437 (4th Cir. 1996): Agencies must disclose and meaningfully analyze community-level economic impacts rather than minimize them through conclusory treatment.

Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989 (9th Cir. 2004): Cumulative effects analysis must address how the action combines with other pressures and precedents, rather than isolate the project from its context.

Friends of Southeast's Future v. Morrison, 153 F.3d 1059 (9th Cir. 1998): Forest planning requirements cannot be avoided by reshaping plan direction to fit an otherwise inconsistent project without adequate planning justification.

Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29 (1983): Agency action is arbitrary and capricious when the agency relies on unsupported assumptions, ignores important aspects of the problem, or fails to explain departures from prior practice.

Westar Energy, Inc. v. Fed. Energy Regul. Comm'n, 473 F.3d 1239 (D.C. Cir. 2007): Agencies must explain materially different treatment of similarly situated parties and cannot change position without a reasoned explanation.

FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120 (2000): Agencies may not enlarge statutory authority beyond what Congress actually delegated, especially where the claimed Authority would affect a major policy change.

City of Arlington v. FCC, 569 U.S. 290 (2013): An agency's authority is bounded by the statute Congress enacted; statutory interpretation cannot manufacture powers the statute does not grant.

I. STATEMENT OF OBJECTION

Pursuant to 36 CFR Part 218, Pinecrest Lake Resort, submits this formal objection to the proposed Pinecrest Basin Management Direction – Community Center Forest Plan Amendment and Special Use Permit (#68965). This proposal represents a substantial departure from existing management direction and a significant expansion of commercial use within a constrained, historic recreation basin.

The objections set forth below are based on the Forest Service's failure to comply with NEPA, NFMA, 36 CFR Part 251, applicable Forest Service Manual direction, and the APA. The proposal is unsupported by the record because it omits essential data, fails to analyze known constraints, rewards documented non-compliance, and departs from prior agency representations without a reasoned explanation.

II. NEPA VIOLATIONS – FAILURE TO TAKE A LEGALLY SUFFICIENT HARD LOOK

NEPA requires agencies to take a rigorous, good-faith 'hard look' at environmental consequences, supported by accurate data, full disclosure, and reasoned analysis. This EA fails that standard in multiple independent and compounding ways.

First, the EA omits baseline data necessary to understand impacts. Without occupancy rates, sales data, and seasonal demand patterns, the agency cannot determine whether additional commercial services are needed or whether existing operations already meet or exceed capacity. This omission renders all downstream conclusions speculative.

Second, the EA fails to analyze known infrastructure constraints. The Pinecrest Basin wastewater system is widely documented as operating at or near capacity. Prior expansions have been denied based on this limitation. The EA does not identify available capacity, does not model increased loading, and does not reconcile prior capacity-based denials. This omission is dispositive because it prevents any meaningful evaluation of environmental or public health impacts.

Third, the EA fails to analyze cumulative impacts. The proposal expands commercial use both on-site and across the Basin, thereby increasing visitation and demand. These effects must be evaluated collectively, particularly in a constrained environment. The EA instead evaluates impacts in isolation, which is legally insufficient.

Fourth, the EA fails to evaluate indirect economic and social impacts. The proposal redistributes demand within a finite tourism economy, affecting jobs, wages, and tax revenue. These impacts are reasonably foreseeable and must be analyzed under NEPA.

Finally, the EA fails to consider public safety impacts, including the presence of a school, expanded alcohol availability, and limited law enforcement resources. These omissions further demonstrate a failure to take the required hard look.

Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989).

Sierra Club v. Marsh, 976 F.2d 763 (1st Cir. 1992).

Native Ecosystems Council v. U.S. Forest Serv., 428 F.3d 1233 (9th Cir. 2005).

Great Basin Resource Watch v. Bureau of Land Mgmt., 844 F.3d 1095 (9th Cir. 2016).

A. Wastewater (Sewer) Capacity Constraints, NEPA Significance, and Public Health Risk

The Pinecrest Basin wastewater system is documented as operating at or near capacity. This is a critical, known infrastructure constraint that must be fully evaluated before any additional commercial use is authorized. Importantly, other proposed expansions within the Pinecrest Basin have been denied specifically because sufficient wastewater capacity was unavailable. That history matters. It establishes clear, consistent recognition by managing agencies that wastewater limitations are a controlling factor in determining allowable use.

Despite that context, the current proposal introduces additional commercial intensity without identifying available wastewater capacity, without demonstrating that the existing system can absorb additional demand, without evaluating effects on existing users and permitted facilities, and without reconciling the proposal with prior capacity-based denials. The omission is especially serious because the impacts of wastewater are not abstract. If capacity is exceeded, foreseeable consequences include system failures or overflows, environmental contamination, disruption of services to existing permitted operators, and basin-wide degradation of visitor experience.

This is precisely the kind of known infrastructure limitation NEPA requires the agency to confront directly. The EA fails to adequately analyze the direct impacts of increased wastewater generation, the indirect impacts of strain on existing users and facilities, the cumulative impacts of additional commercial use within a basin already at capacity, and the consistency of this decision with prior denials grounded in the same constraint. Given documented capacity limitations, prior denials based on those limitations, the absence of any demonstrated increase in system capacity, and the lack of meaningful analysis in the EA, the conclusion that this action results in “No Significant Impact” is not supported by the record.

A FONSI under these circumstances is inappropriate. At a minimum, this issue warrants more rigorous environmental review, full disclosure of infrastructure limitations, and consideration of alternatives that do not exceed system capacity.

Sierra Club v. Marsh, 976 F.2d 763 (1st Cir. 1992).

B. Traffic, Parking, Circulation, Concession, and Outfitter/Guide Expansion Deficiencies Under NEPA

The Environmental Assessment (“EA”) fails to take the required “hard look” at the direct, indirect, and cumulative traffic, parking, circulation, concession-related, and outfitter/guide-related impacts associated with the proposed Pinecrest Basin Management Direction – Community Center project and Forest Plan Amendment. The analysis appears to rely upon outdated assumptions tied to the historic use of the property located at 2 Pinecrest School Road, while failing to adequately evaluate the operational realities and foreseeable impacts associated with expanded commercial visitor-serving activity within the already constrained Pinecrest Basin.

Historically, the subject property served as a civic or institutional facility, generating relatively intermittent, low-intensity traffic associated with community meetings, educational activities, and limited public assembly. The proposal now contemplates a materially different operational framework involving expanded visitor-serving commercial activity, concession-related uses, organized recreation services, and potential outfitter and guide ("O/G") operations. These uses inherently generate substantially different traffic and circulation impacts, including increased vehicle trip generation, expanded operating hours, employee traffic, delivery and service traffic, event-related surges, trailer and equipment movement, loading and unloading activity, and increased parking demand throughout both daytime and evening periods.

The EA does not appear to meaningfully analyze these reasonably foreseeable operational impacts. Instead, the analysis appears to minimize or overlook the practical reality that commercial recreation-oriented uses generate substantially greater traffic intensity than the site's historic community-oriented use. This omission is particularly significant because the Pinecrest Basin already experiences severe seasonal congestion, constrained roadway conditions, limited parking capacity, concentrated pedestrian activity, and infrastructure limitations during peak visitation periods.

The proposal also appears broad enough to facilitate expanded outfitter and guide operations associated with the site or the surrounding Basin area. Such operations inherently generate additional demand for client parking, shuttle activity, group assembly, equipment transport, trailer traffic, and concentrated staging. The Pinecrest Basin was not designed to operate as a centralized commercial recreation staging hub, yet the EA fails to adequately evaluate how expanded O/G activity could compound existing congestion and circulation conflicts within an already capacity-constrained recreation corridor.

Equally concerning is the apparent reliance upon unsupported or outdated planning assumptions. To the extent the Agency relies upon prior Pinecrest traffic or circulation studies, those analyses would necessarily have been based upon the land uses and operational intensity existing at the time they were prepared. A material transition from a relatively low-intensity civic/community facility into a substantially expanded commercial visitor-serving operation may invalidate those assumptions entirely. The EA does not appear to disclose whether prior circulation analyses contemplated expanded concession activity, event hosting, recreation-service staging, outfitter and guide operations, increased visitor turnover, or concentrated commercial recreation use at this location. NEPA prohibits agencies from relying upon stale or inaccurate baseline assumptions when evaluating environmental impacts.

The EA further appears to rely upon an unsupported assumption that expanding commercial visitor-serving uses, concession opportunities, and outfitter/guide activity within the Pinecrest Basin will somehow "disperse" recreation use throughout the Stanislaus National Forest. The record does not appear to contain substantial evidence supporting this conclusion. In reality, the proposal is far more likely to further concentrate recreational activity within one of the Forest's most heavily used recreation hubs.

Pinecrest already contains a concentrated collection of recreational attractions and visitor infrastructure, including Pinecrest Lake, campgrounds, marina operations, day-use facilities, trail access, visitor lodging, restaurants, organized recreation opportunities, and event activity. Adding commercial services and recreation-oriented activities directly within this existing recreation center predictably attracts more users to the same already congested area rather than dispersing visitors outward across broader portions of the Forest.

The EA appears to conflate “increased recreational opportunity” with “dispersed recreation.” Those concepts are not synonymous. True recreational dispersion involves directing visitors to geographically dispersed or underutilized areas to reduce concentrated impacts, reduce infrastructure strain, improve visitor distribution, and protect already impacted recreation corridors. This proposal instead intensifies services, amenities, and commercial activity within one of the Forest’s most constrained and heavily visited recreation areas.

Similarly, expanded outfitter and guide activity operating from the Pinecrest Basin would likely centralize parking, staging, transportation, client assembly, and commercial recreation activity within the Basin core itself. Outfitters and guides naturally gravitate toward areas with the greatest visibility, easiest visitor access, and strongest concentration of amenities. The proposal, therefore, creates incentives for further concentration of recreational use rather than meaningful geographic dispersion.

The EA does not appear to provide meaningful visitor-use modeling, traffic redistribution analysis, transportation demand analysis, parking redistribution analysis, or empirical evidence demonstrating that the proposal would actually reduce recreational concentration within Pinecrest. Absent such analysis, any conclusion that the proposal promotes dispersed recreation is speculative and unsupported.

The cumulative implications of these deficiencies are substantial. The Pinecrest Basin is already experiencing seasonal congestion, parking shortages, pedestrian conflicts, infrastructure strain, and concentrated recreational demand. Additional commercial visitor-serving intensity, expanded concession activity, and increased outfitter/guide operations may incrementally worsen these conditions, even if each individual impact is minor in isolation. NEPA requires the Agency to evaluate the cumulative effects of the proposal when combined with existing and reasonably foreseeable future recreational pressures throughout the Basin.

The EA also fails to meaningfully evaluate reasonable alternatives or mitigation measures that could reduce or avoid these impacts, including limiting the intensity of commercial operations, restricting concession-related uses, limiting or prohibiting outfitter/guide staging at the site, maintaining the historic community-service-oriented use classification, directing recreation-service expansion toward less constrained areas of the Forest, or implementing enforceable transportation and parking mitigation measures. Instead, the proposal appears structured to accommodate expanded commercial operational flexibility rather than to objectively evaluate whether the Pinecrest Basin can reasonably absorb additional concentrated commercial recreation activity.

NEPA requires federal agencies to take a “hard look” at environmental consequences prior to making decisions. By failing to adequately evaluate increased trip generation, parking demand, pedestrian conflicts, concession-related impacts, outfitter and guide operational impacts, cumulative congestion, unsupported dispersion assumptions, and basin-wide circulation constraints, the EA deprives both decision-makers and the public of informed environmental review.

Because the EA fails to adequately evaluate the reasonably foreseeable traffic, parking, circulation, concession, and outfitter/guide impacts associated with intensification of commercial visitor-serving uses at 2 Pinecrest School Road within an already capacity-constrained recreation basin—and further relies upon unsupported assumptions that the proposal will somehow disperse recreation use despite its obvious tendency to further concentrate visitors, traffic, parking demand, and commercial activity within the Pinecrest Basin—the environmental analysis is incomplete, arbitrary, unsupported by substantial evidence, and legally deficient under NEPA.

C. Failure to Analyze Emergency Operations, Evacuation Constraints, and Existing Alternative Infrastructure

The Environmental Assessment also fails to adequately evaluate emergency operations, wildfire evacuation constraints, and the availability of existing alternative infrastructure already capable of supporting incident coordination and emergency staging within the Upper Highway 108 corridor.

The Pinecrest Basin is a geographically constrained recreation area characterized by limited circulation routes, concentrated visitor density, constrained parking, narrow evacuation corridors, and heavily forested conditions. During peak recreation periods, these limitations already create congestion and operational strain. Additional concentration of communal lodging, gathering areas, commercial activity, or base-camp-style operational uses within the Basin may further complicate evacuation and emergency response during wildfire events or other large-scale incidents.

Despite these realities, the EA does not meaningfully assess whether the project increases management complexity or emergency-response burdens in an already constrained environment. Nor does it adequately analyze whether the objectives cited in support of the proposal — including resiliency, emergency coordination, operational support, or incident staging — are already substantially served by existing developed infrastructure elsewhere in the corridor.

Most notably, the nearby Dodge Ridge Mountain Resort area already contains many of the characteristics commonly associated with emergency coordination and operational staging functions, including substantial developed parking capacity, established ingress and egress routes, large open operational areas, multiple potential helicopter landing zones, and significantly greater defensible space. Unlike the Pinecrest Basin, these facilities are located in a setting better suited to large-scale staging, evacuation support, and emergency management functions. This facility has been used numerous times for this very purpose.

NEPA requires agencies to take a legally sufficient "hard look" at reasonable alternatives, existing conditions, cumulative impacts, and foreseeable operational consequences before approving significant land management changes. However, the EA does not adequately evaluate whether concentrating additional operational intensity within the constrained Pinecrest Basin is the safest, least impactful, or most reasonable approach, given that substantial existing infrastructure with greater evacuation capacity, defensible space, and operational suitability already exists nearby.

The existence of existing emergency support and operational infrastructure elsewhere along the Highway 108 corridor further undermines the necessity of permanently expanding commercial, communal lodging, or base-camp-style operations within the Pinecrest Basin itself. Because the proposal establishes a long-term framework for expanded use in an infrastructure-constrained, wildfire-prone environment, the EA's failure to meaningfully analyze these issues renders the NEPA review incomplete and legally deficient.

D. Failure to Include Occupancy Data, Sales Data, and Seasonal Demand Patterns

The EA omits critical occupancy data and sales data for year-round operations in the Pinecrest Basin. That omission is central to the legal sufficiency of the analysis. Without occupancy rates, the Forest Service cannot determine whether lodging demand exceeds supply. Without sales data and seasonal demand patterns, it cannot determine whether existing retail and food service offerings are meeting visitor demand, operating near sustainable levels, or merely duplicating existing services.

The absence of this data means the agency lacks a reliable baseline to evaluate need, capacity, displacement, or visitor behavior. Instead of grounding the analysis in evidence, the EA assumes additional services are necessary and beneficial. That approach is speculative. The omitted data may demonstrate the opposite: that existing operators already provide sufficient goods and services, that demand is seasonal and finite, and that additional overlapping services would fragment demand rather than enhance public access or convenience.

Because NEPA requires decisions to be supported by evidence rather than assumptions, the absence of occupancy, sales, and seasonal demand data renders the EA incomplete and unreliable. These omissions also infect the infrastructure, economic, and cumulative effects analysis, because those analyses all depend on a sound baseline understanding of actual use.

Native Ecosystems Council v. U.S. Forest Serv., 428 F.3d 1233 (9th Cir. 2005).

E. Failure to Analyze Economic Impacts to Jobs, Existing Businesses, and Tax Revenue

Tourism in Tuolumne County represents a major economic engine, generating substantial visitor spending, supporting local jobs, and producing important tax revenue. The Pinecrest Basin is a meaningful contributor to that economy. Against that backdrop, the proposal does not create new demand. It redistributes existing demand within a finite, seasonal, and infrastructure-constrained recreation economy.

That redistribution is likely to reduce revenue for existing permitted operators, with direct consequences for employee hours, wages, seasonal employment stability, and the viability of year-round services already being offered. These impacts extend beyond individual operators. Reduced revenue affects residents who rely on employment in the Basin, weakens the economic stability of existing permitted operations, and may reduce tax revenue associated with visitor-serving commerce.

The EA does not quantify these impacts or explain why destabilizing existing permitted services should be viewed as a neutral or beneficial outcome. In a constrained market, even modest shifts in demand can have outsized consequences. NEPA requires the Forest Service to confront that reality, not minimize it through generalized statements about economic diversification.

Mid States Coalition for Progress v. Surface Transp. Bd., 345 F.3d 520 (8th Cir. 2003).

Hughes River Watershed Conservancy v. Glickman, 81 F.3d 437 (4th Cir. 1996).

F. Public Safety, School Presence, Liquor License, and Limited Law Enforcement

The EA also fails to evaluate public safety issues associated with the proposed expansion of commercial activity. These omissions are material. The facility includes an existing school. The facility also has a liquor license, and more available alcohol can create meaningful public safety concerns in a remote, family-oriented recreation setting where law enforcement and emergency response are already sparse.

The presence of a school changes the analysis. The interaction of school functions, alcohol-related commerce, transient visitor activity, parking stress, and limited law enforcement cannot be dismissed as peripheral. These are foreseeable consequences of the proposed authorization and should have been analyzed as part of NEPA's public health and safety review.

The EA's failure to engage with these issues is particularly problematic because the proposal is framed as an improvement to visitor services and convenience. If the result is greater conflict, increased congestion, higher safety risks, or more alcohol-related issues in a constrained area, the public-interest case for the proposal weakens rather than strengthens.

G. Failure to Analyze Cumulative Impacts, Basin-Wide Precedent Effects, and Attractive Nuisance Risk

The proposal is not limited to a single isolated action. It expands commercial flexibility at the site and, as described in the record, broadens the potential for commercial permitting and overlapping services within the Basin. That means the proper frame of analysis is cumulative and basin-wide, not parcel-specific and artificially narrow.

The proposed amendment effectively decouples the site's approved use from the current applicant's identity and specific proposal. While the permit holder may change over time, the underlying land use authorization and zoning designation will remain in place. As a result, any approval granted through this amendment is not limited to the current proposal, but instead establishes a long-term framework that future operators could exercise in ways that differ materially from what is presently described. This creates a level of uncertainty that the analysis does not adequately address.

This lack of specificity is directly at odds with the requirements of the National Environmental Policy Act. NEPA requires agencies to evaluate not only the immediate impacts of a proposal, but also reasonably foreseeable future actions and the full scope of impacts enabled by the decision. By authorizing a broader, more flexible range of uses without clearly defined limits, the amendment effectively permits future expansion, modification, or intensification of use without additional site-specific analysis. Where an agency action establishes a framework for future development, NEPA requires that the environmental consequences of that broader framework be evaluated at the time of approval. Here, the absence of enforceable boundaries prevents meaningful analysis of the full range of potential uses and their cumulative impacts. As a result, the environmental review is incomplete, and the proposal is overly broad, providing latitude that extends well beyond what has been disclosed or analyzed in the current record.

Increased commercialization within a historic, infrastructure-limited basin can attract additional use beyond what roads, parking, wastewater, and public safety resources can reasonably accommodate. This is the essence of the attractive nuisance problem raised here: the proposal may increase draw, expectation, and pressure without ensuring that the Basin can safely absorb those changes.

The EA does not adequately analyze how this proposal, together with existing congestion, parking limitations, sewer constraints, and future copycat proposals, may permanently alter the Pinecrest Basin's character and management burdens. That omission is especially important given the record's concern that the zoning change will not affect only the current permit holder; it will affect future owners and future efforts to expand use at this site. Accordingly, the proposal constitutes an impermissibly broad framework action under NEPA that fails to evaluate reasonably foreseeable impacts and is therefore legally deficient.

Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989 (9th Cir. 2004).

H. Improper FONSI and Need for Deeper Review

The permanent land use reclassification, increased commercial intensity, unresolved wastewater constraints, public safety implications, and long-term management consequences make the FONSI particularly vulnerable. These are not minor effects. They involve structural changes to land use, foreseeable infrastructure stress, precedent-setting consequences, and cumulative pressures within an already constrained basin.

Where significance is present or cannot be responsibly ruled out because the agency has not performed the necessary analysis, a FONSI is inappropriate. At a minimum, a deeper environmental review is warranted.

III. NFMA VIOLATIONS – INCONSISTENCY WITH FOREST PLAN DIRECTION AND IMPROPER USE OF PLAN AMENDMENT AUTHORITY

The proposal seeks to amend the Stanislaus National Forest Plan to reclassify the Pinecrest Community Center site into a commercial management designation. That is not a minor clarification or administrative refinement; it is a substantial departure from established land management direction for the Pinecrest Basin. Under the National Forest Management Act ("NFMA"), project-level decisions must remain consistent with the governing Forest Plan and associated management direction. While Forest Plan amendments are legally permissible, they are intended to address broader resource management objectives, changing environmental conditions, or landscape-level planning needs—not to accommodate a single applicant's non-conforming commercial use or to retroactively legitimize activities inconsistent with existing direction.

This proposal appears to invert the planning framework established under NFMA. Rather than requiring the proposed use to conform to the existing Forest Plan, the agency proposes altering the Forest Plan itself to accommodate the desired use. That approach undermines the integrity and predictability of the forest planning process and transforms amendment authority into a mechanism for curing inconsistency after the fact. If allowed to stand, the proposal establishes a dangerous precedent whereby any inconsistent commercial use may seek site-specific plan amendments rather than complying with the long-term management framework developed through public planning processes.

Forest Plans are intended to provide durable, long-range guidance governing public land management for the foreseeable future. They are developed through extensive scientific review, interagency coordination, and public participation to balance recreation, infrastructure, environmental protection, public safety, and economic considerations across the broader landscape. The direction of the U.S. Forest Service is to implement these existing plans as the governing framework for decision-making—not to selectively weaken or reinterpret them whenever a particular proposal conflicts with existing management direction. Amending a Forest Plan solely to facilitate a single commercial operation erodes public trust, diminishes planning certainty, and converts landscape-level management into an ad hoc process driven by private interests rather than consistent public stewardship.

The problem is compounded by the absence of any demonstrated basin-wide planning need for the amendment. The administrative record does not identify a deficiency in the existing Forest Plan, a changed environmental condition, or a broader recreation management need that would require commercial reclassification of this site. Instead, the record points to a narrowly tailored effort to legalize and expand a use that is currently inconsistent with governing management direction. The EA similarly fails to evaluate whether existing private commercial services within the Upper Highway 108 corridor already meet visitor demand, fails to analyze displacement effects on existing businesses operating on private lands, and fails to explain why expansion of commercial intensity within the Basin is necessary despite known infrastructure and capacity constraints.

Further, the proposal conflicts with longstanding agency representations and prior enforcement history regarding allowable use at the site. Multiple parties who reportedly inquired about acquisition or redevelopment opportunities for the property were informed that the site's use restrictions could not be materially changed. The agency's current willingness to amend the Forest Plan and expand allowable commercial uses for a specific applicant raises serious fairness, consistency, and APA concerns. Federal land management decisions must be administered in a manner that is rational, transparent, and even-handed. A process in which similarly situated parties were previously denied or discouraged based upon existing management direction, only for the agency to later alter that direction for another applicant, reflects arbitrary and capricious decision-making inconsistent with the APA and the integrity of the NFMA planning framework.

NFMA was designed to ensure that Forest Plans meaningfully govern project-level actions—not that plans themselves become fluid documents repeatedly modified to accommodate incompatible proposals. The Forest Service cannot avoid plan inconsistency by simply rewriting the governing standard whenever a proposal conflicts with existing management direction. See Friends of Southeast's Future v. Morrison, 153 F.3d 1059 (9th Cir. 1998).

IV. REGULATORY AND COMPLIANCE FAILURES

A. Documented Non-Compliance and Failure to Enforce Permit Terms

The record reflects concerns regarding documented non-compliance with existing permit terms and approved operating plans. The current permit holder has reportedly received warnings and direction from the Forest Service and has failed to fully correct or comply with those requirements. If that is the case, the appropriate response is enforcement, not expansion.

Rather than enforcing compliance, the agency is proposing to amend the Forest Plan and expand authorization. That approach rewards non-compliance, weakens the credibility and enforceability of Special Use Permit conditions, and signals that adherence to permit terms is optional. It creates a serious management problem: non-compliance becomes a pathway to broader use rather than a basis for corrective action.

B. Failure to Meet Special Use Permit Requirements Under 36 CFR 251.54 and 251.56

Under 36 CFR 251.54 and 36 CFR 251.56, the Forest Service must evaluate whether an applicant possesses the financial capability to undertake and sustain the proposed use, the technical capability to operate in compliance with permit requirements, and consistency with applicable land management plans.

The current proposal fails to satisfy those requirements on the face of the record. No financial capability determination has been provided. Technical capability is brought into question by the record of non-compliance. And the use is not consistent with the current Forest Plan, necessitating the proposed amendment. Proceeding under these conditions does not meet the regulatory threshold required for permit issuance.

C. Lack of Financial Analysis and Financial Capability Determination

The proposal references commercial visitor services, but it does not adequately define their scope, scale, or operational intensity. More importantly, it does not include a required financial capability determination. That determination matters because it is meant to confirm that the operator can maintain facilities, provide consistent services, satisfy compliance obligations, and sustain long-term operations.

Without that analysis—and in light of concerns about non-compliance—approval introduces a greater risk of deferred maintenance, inconsistent operations, further violations, and degraded visitor services. This is not a technical omission. It is a fundamental gap in the decision-making process.

D. Conflict with Forest Service Manual Direction (FSM 2723.62)

Forest Service Manual direction for community service facilities, including FSM 2723.62 as referenced in the record provided by the user, treats these uses as noncommercial in character. Converting that classification into a commercial use directly conflicts with internal agency policy and undermines the consistency of Forest Service land management administration.

If the agency wishes to depart from that internal direction, it must provide a reasoned explanation. The current record does not supply that explanation.

V. EXISTING SERVICES, LACK OF DEMONSTRATED NEED, AND OVERLAPPING COMMERCIAL SERVICES

The proposal authorizes additional commercial services without demonstrating unmet demand. That omission is significant because the Pinecrest Basin already offers a robust, overlapping network of visitor services through existing operators, including Pinecrest Lake Resort, Pinecrest Chalet, Camp Blue/Gold/ Oski, Camp Chinquapin, Camp Sylvester, Dodge Ridge Mountain Resort, and other nearby providers on private land.

These facilities collectively offer lodging, group accommodations, food service, and recreational amenities that are available to the public and, in many cases, are not operating at full capacity. Pinecrest Chalet is currently listed for sale, reflecting the instability and economic uncertainty of the local market. Camp Oski is nearing completion of a major capital investment with the construction of a new lodge intended to support year-round use, even though this permit is a club-type permit. Camp Oski is open and widely advertised to the public as a lodging option. Additionally, any guest of these camps has access to their facilities and infrastructure. Dodge Ridge continues to provide seasonal food service and recreation opportunities, further contributing to the existing service network.

Within the Basin, Pinecrest Lake Resort already provides a comprehensive suite of services, including a year-round restaurant and bar, coffee service, retail and recreation goods, general store, pay-to-use public showers, lodging accommodations, and operational infrastructure that supports visitor safety and access. Seasonal offerings further expand these services to include marina operations, rentals, and additional recreational amenities. Visitors also have access to grocery, retail, and support services both within the Basin and along surrounding access corridors.

Despite this well-established service environment, the proposal does not demonstrate that existing services are at capacity, that there is unmet demand, or that duplication is necessary. Instead, it introduces overlapping commercial use within a constrained setting. In a finite and highly seasonal market, this type of duplication does not expand opportunity—it fragments demand. By dividing a limited customer base among additional operators, the proposal risks weakening existing businesses and reducing the reliability of year-round services rather than strengthening them.

The proposal also fails to account for the full range of existing food and beverage services available within and immediately surrounding the Pinecrest Basin. This includes established operations such as The Outpost, but omits any meaningful discussion of the offerings at The Outpost or Strawberry Inn. Mia's Restaurant in Cold Springs, a year-round establishment, is completely omitted. These businesses actively serve the same visitor base and represent readily available alternatives within proximity to Pinecrest. The failure to identify and evaluate these existing services further underscores the analysis's incompleteness. By omitting a comprehensive inventory of available food and beverage options, the proposal understates existing capacity and overstates the need for additional commercial services. This results in a distorted assessment of demand and increases the likelihood that the proposed offerings would duplicate existing services rather than meaningfully expand public benefit.

Accordingly, the failure to evaluate these existing services and their role in meeting visitor demand renders the NEPA analysis incomplete and undermines the agency's ability to accurately assess need, alternatives, and cumulative impacts.

VI. ECONOMIC SUSTAINABILITY AND MARKET REALITY IN TUOLUMNE COUNTY

The proposal fails to evaluate economic sustainability under real-world market conditions in Tuolumne County. Evidence from nearby communities demonstrates that demand for commercial services is limited, highly seasonal, and already constrained. In areas such as Twain Harte, commercial spaces remain vacant or intermittently occupied, and businesses struggle to maintain consistent, year-round operations. Similar patterns are reflected in the reduction of summer services at Dodge Ridge due to insufficient demand and cost inefficiencies. These conditions directly contradict any assumption that additional commercial services within the Pinecrest Basin are necessary or sustainable.

At the same time, consumer behavior has shifted significantly. Modern visitors increasingly arrive well-prepared, relying on online purchasing and pre-trip planning, reducing the need for on-site retail and service offerings. Existing businesses must already compete with external supply chains, further limiting demand for additional physical infrastructure. The EA does not account for these trends and instead overestimates the need for expanded services.

Existing resources already meet visitor needs. Visitors have access to goods and services in surrounding communities and through established operators within the Basin. Because these services are already functioning and available, the proposal does not expand access; instead, it duplicates existing capacity.

In a finite, seasonal market, adding additional operators does not create new demand—it divides existing demand. This leads to oversaturation, reduced revenue per operator, and decreased economic stability across the Basin. For existing businesses, this results in reduced margins, increased risk, and difficulty maintaining year-round operations. For the Basin as a whole, it results in less reliable service availability and a shift toward short-term, seasonal operations rather than stable, long-term businesses.

NEPA requires analysis of these economic impacts, including the displacement of existing businesses and long-term sustainability. The EA does not evaluate whether new services can be sustained, whether existing operators will be harmed, or whether oversaturation will degrade service reliability. Instead, it assumes that additional commercial activity is inherently beneficial—an assumption unsupported by evidence or economic principles.

When combined with expanded outfitter and guide permits and targeted user group services, the cumulative effect is a system-wide shift toward fragmented and unstable economic conditions. This undermines the stated goal of improving visitor services and supporting rural economies, and instead poses a risk to the long-term viability of the Basin's recreation system.

The proposal also fails to consider the impacts on employment within the Pinecrest Basin and surrounding communities. Existing businesses operate in a constrained, highly seasonal economic environment and must carefully balance staffing levels to remain viable. By introducing duplicative services and fragmenting a limited customer base, the proposal risks reducing overall business volume at established operations. This, in turn, can lead to reduced hours, fewer seasonal hires, and potential job losses across existing employers. Rather than creating new employment opportunities, this type of expansion is more likely to redistribute—and ultimately diminish—the available employment base by weakening the businesses that currently provide stable and recurring jobs in the region. The EA does not evaluate these reasonably foreseeable employment impacts, further underscoring the incomplete nature of the economic analysis.

The proposal risks undermining existing permitted operations, many of which provide stable, year-round services and have made substantial investments in reliance on federal authorization. Introducing duplicative services without a demonstrated need fragments demand, reduces financial stability, and places additional strain on businesses already operating in a challenging, highly seasonal economic environment.

Even under the proposal's stated goal of improving visitor services and supporting rural economies, this outcome is difficult to justify. A framework that weakens existing operators, reduces their resilience, and promotes overlapping, low-efficiency service patterns does not enhance the recreation economy. It risks diluting it.

VII. MISREPRESENTATION OF MONOPOLY

A. PINECREST LAKE RESORT PROVIDES ESSENTIAL, AUTHORIZED PUBLIC SERVICES

Pinecrest Lake Resort operates under a valid Term Special Use Permit issued by the United States Forest Service within the Stanislaus National Forest. Under this authorization, the Resort delivers critical, on-the-ground services that directly enable public access to and enjoyment of the Pinecrest Basin. It is not the only operator within the Basin; other permitted entities—including Pinecrest Chalet, Camp Oski, Camp Sylvester, and Camp Chinquapin—also provide lodging and visitor services.

These services include lodging, marina operations, food and beverage service, retail and general store offerings, and daily operational oversight that supports visitor safety and organization. Collectively, these functions constitute core recreational infrastructure necessary to sustain public use.

B. SUBSTANTIAL PRIVATE INVESTMENT SUPPORTS PUBLIC USE OF FEDERAL LAND

The facilities and services provided within Pinecrest reflect significant, long-term private investment made in reliance on federal authorization. These investments include lodging infrastructure, marina systems, restaurant and retail buildout, and the staffing and operational capacity required to serve high seasonal visitation.

All such investments occur on federally owned land, are subject to federal oversight and approval, and involve no private ownership of the underlying property. This structure reflects a public-private partnership model in which private capital supports public access and recreation services.

C. THE FOREST SERVICE PERMIT SYSTEM IS NOT A COMPETITIVE MARKETPLACE

The United States Forest Service determines allowable uses, limits operators based on environmental and infrastructure constraints, and issues permits accordingly. Pinecrest is a federally managed recreation area, not an open commercial marketplace.

The presence of limited or singular operators for certain services reflects land management policy and capacity limitations, not competitive exclusion.

D. NO LEGAL BASIS EXISTS FOR A "MONOPOLY" CHARACTERIZATION

Under the Sherman Antitrust Act, a monopoly requires both control of a market and exclusionary conduct used to maintain that control. Neither condition is present here.

Pinecrest Lake Resort does not control market entry, issue permits, or exclude competitors. All authority regarding use, expansion, and permitting rests exclusively with the United States Forest Service.

Any limitations on additional operators arise from environmental constraints, infrastructure capacity, and land-use designations—not private conduct.

E. EXISTING OPERATIONS ARE HIGHLY REGULATED AND LIMITED IN SCOPE

Operations within the Pinecrest Basin are subject to extensive federal oversight, including compliance with the National Environmental Policy Act, Forest Plan direction, and annual operating plan approvals.

This regulatory framework constrains expansion, limits the scope of services, and ensures that operations remain aligned with the public interest and resource protection.

F. FOREST PLAN AMENDMENT SHOULD NOT UNDERMINE ESTABLISHED, COMPLIANT OPERATIONS

Any proposed amendment must account for existing, compliant operations that serve the public. Expanding uses beyond documented capacity constraints or in conflict with existing permits risks degrading infrastructure, compromising safety, and diminishing visitor experience.

Such actions do not enhance public benefit—they introduce instability into a system already operating within defined limits.

Pinecrest Lake Resort is a long-standing, authorized operator providing essential services through significant private investment under federal regulation. Characterizing it as a monopoly is factually incorrect and legally unsupported.

The appropriate focus of this analysis should be on consistency with governing land management direction, recognition of infrastructure and capacity constraints, and the long-term sustainability of the Pinecrest Basin.

VIII. APA VIOLATIONS – ARBITRARY, CAPRICIOUS, AND DISCRIMINATORY DECISION-MAKING

Under the Administrative Procedure Act, agency action must be rational, consistent, and supported by the administrative record. This proposal fails all three requirements.

The decision is arbitrary because it relies on unsupported assumptions rather than data. Key conclusions regarding demand, impact, and necessity are made without supporting evidence, particularly in the absence of occupancy and sales data.

The decision is capricious because it ignores critical factors. The agency fails to consider wastewater capacity constraints, prior denials based on those constraints, public safety risks, and economic displacement. An agency may not ignore factors that are central to the decision.

The decision is inconsistent because it treats similarly situated parties differently. Multiple prior applicants were informed that use could not be changed and were not offered a pathway for a plan amendment. The current applicant has been granted that opportunity without explanation. This represents a clear departure from prior agency practice.

The agency also fails to provide a reasoned explanation for its change in position. Where an agency departs from prior interpretations or decisions, it must provide a rational basis for the departure. No such explanation is provided here.

Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29 (1983).

Westar Energy, Inc. v. Fed. Energy Regul. Comm'n, 473 F.3d 1239 (D.C. Cir. 2007).

A. Lack of Rational Connection Between Facts and Decision

The agency advances the proposal without a defined commercial scope, a financial capability determination, demonstrated demand, or enforcement of existing permit terms. Those omissions raise serious APA concerns because the decision lacks a rational connection between the facts found and the action proposed.

B. Failure to Consider Important Aspects of the Problem

The agency fails to address critical considerations, including wastewater capacity, prior denials due to infrastructure constraints, occupancy and sales data, economic displacement, public safety impacts, and the presence of a school and a liquor license at the site. Ignoring these issues is not a minor oversight. They are central aspects of the problem before the agency.

C. Discriminatory and Unequal Treatment of Similarly Situated Parties

Multiple entities previously inquired about the potential purchase and use of this site when it was available for sale and were repeatedly told that the use could not be changed. They were not offered a pathway to pursue a Forest Plan amendment. The current applicant, by contrast, is being afforded exactly that opportunity.

This differential treatment raises serious concerns regarding consistency, fairness, transparency, and reliance interests. The agency has not provided a reasoned explanation for this reversal, has not distinguished the current applicant from prior interested parties, and has not identified why previous applicants were effectively barred while the current applicant is being accommodated. That is the sort of unexplained inconsistency the APA forbids.

IX. MISAPPLICATION OF THE EXPLORE ACT AND IMPROPER EXPANSION OF STATUTORY AUTHORITY

The Environmental Assessment relies, either explicitly or implicitly, on the Expanding Public Lands Outdoor Recreation Experiences (“EXPLORE”) Act as support for increased commercial flexibility and land use change within the Pinecrest Basin. That reliance is misplaced, legally unsupported, and inconsistent with the statutory purpose of the Act.

The EXPLORE Act is intended to improve public access to outdoor recreation, streamline appropriate recreation-related permitting, and support infrastructure associated with public recreation. It is not intended to authorize site-specific rezoning, override Forest Plan direction, retroactively legalize non-conforming uses, or expand commercial entitlements for a single operator.

The proposal attempts to use a broad, pro-recreation statute to justify a narrow, site-specific Forest Plan amendment and commercial expansion. No language in the Act delegates authority to reclassify land-use designations as proposed here, or permits the agency to bypass the plan-consistency framework imposed by NFMA.

Using the EXPLORE Act in this manner effectively reverses the statutory hierarchy by allowing a general recreation policy statute to displace the controlling land management framework. That is not a reasonable implementation of congressional intent. It is an effort to use the statute as a policy lever to reach a preferred outcome.

This is also arbitrary under the APA because the agency does not explain how the EXPLORE Act authorizes the specific action it proposes. It does not identify clear statutory text, does not reconcile the Act with the Forest Plan and NFMA, and does not explain why the Act should be read to support individualized commercial rezoning. That lack of explanation is especially problematic because the proposal would have significant precedent-setting effects on future land-use decisions in the Basin.

At a practical level, the proposal uses the language of recreation access to support a shift in commercial land use that may fragment existing services, intensify infrastructure stress, and destabilize year-round operators. That is not a faithful implementation of the statute. It is a manipulation of legislative purpose to support an otherwise unsupported land use change.

FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120 (2000).

City of Arlington v. FCC, 569 U.S. 290 (2013).

X. UNDEFINED AND OVERBROAD OUTFITTER AND GUIDE EXPANSION

The proposal contemplates expanding Outfitter and Guide (O&G) permits within the Pinecrest Basin but fails to define the scope, limitations, or geographic constraints of that expansion. This lack of specificity is not a minor omission—it is a fundamental flaw that creates regulatory uncertainty and renders meaningful environmental review impossible. By failing to establish clear parameters, the proposal effectively creates an open-ended authorization framework, establishes precedent for expanded commercial activity beyond the subject site, and undermines consistent standards for future permitting decisions. Under NEPA, agencies must evaluate reasonably foreseeable impacts, including those arising from frameworks that enable future expansion. Here, the absence of defined limits prevents any meaningful analysis of the scale of potential outfitter and guide operations, the cumulative increase in commercial activity, or the resulting impacts on infrastructure, parking, and overall Basin capacity. As such, the analysis is incomplete and legally insufficient.

This undefined expansion is also fundamentally inconsistent with the governing management framework established by the Stanislaus National Forest Land Management Plan, applicable Recreation Opportunity Spectrum (ROS) classifications, and site-specific direction for the Pinecrest Basin. Pinecrest is managed as a highly developed, high-use recreation area designed to provide broad, non-exclusive public access with continuous visitor turnover. While limited areas allow overnight use, the Basin is predominantly managed for day-use recreation, with strict controls on access, parking, and duration. The applicable ROS classification reinforces this intent by prioritizing high-capacity recreation settings while ensuring that no single use—particularly commercial use—dominates or displaces general public access. Within this framework, outfitting and guiding are not primary uses but limited, subordinate activities that must not interfere with broader recreation objectives.

By their nature, outfitting and guiding operations introduce organized, repeated-use patterns that functionally occupy space, stage equipment, and prioritize specific user groups. In a high-demand environment like Pinecrest, these activities reduce the availability of shoreline areas, access points, and developed facilities for the general public, effectively creating de facto exclusivity that conflicts with the Basin's intended use. This concern is compounded by existing, well-documented capacity constraints, including limited parking, heavy visitor congestion, and infrastructure limitations, such as sewer capacity constraints. Expanding commercial operations within this already constrained setting risks intensifying these pressures, diminishing visitor experience, and exceeding sustainable use levels. The broader Stanislaus National Forest contains extensive opportunities for dispersed, lower-density recreation where outfitting and guiding services could be more appropriately located, thereby dispersing use and reducing pressure on heavily impacted areas like Pinecrest.

The proposal further raises a significant, unaddressed risk of encroachment on recreational residences or other non-commercially zoned areas. Without explicit limitations, outfitter and guide operations could be staged from residential zones, introducing commercial activity into areas not designated for such use. This would blur the distinction between commercial and non-commercial land use, undermine established management classifications, and create substantial enforcement challenges. It would also alter the character of areas historically intended for quiet, low-intensity use. This foreseeable consequence is not analyzed in the EA, representing a critical omission.

Additionally, the proposal fails to demonstrate any unmet demand for additional outfitter and guide services and instead creates duplicative offerings that directly conflict with existing permitted operators. In a finite, seasonal, and capacity-constrained market, expanding similar services fragments an already limited customer base, reduces revenue stability, and undermines the long-term viability of established businesses. This is particularly problematic where existing operators have previously been denied expansion under the same constraints. The agency cannot selectively authorize expansion for some operators while denying it to others without a reasoned and consistent framework. This raises both NEPA concerns, due to the failure to analyze economic displacement and cumulative impacts, and APA concerns, due to inconsistent treatment of similarly situated parties.

Most significantly, the proposal must be evaluated for its cumulative effect on the Pinecrest Basin. The issue is not any single permit, but the incremental commercialization that results from repeated expansions of this type. Increasing outfitter and guide operations, combined with broader commercial flexibility, will intensify use, strain infrastructure, and introduce higher levels of organized commercial activity. Over time, this fundamentally alters the Pinecrest experience, shifting it toward a higher-density, more commercialized recreation model inconsistent with its historic character and management intent. NEPA requires analysis of these cumulative and qualitative impacts, including changes to visitor experience and community character, which the EA fails to address adequately.

Pinecrest's value is rooted in its historic recreation identity, its limited-scale, family-oriented environment, and its balance between access and preservation. The proposed expansion disrupts that balance by encouraging incremental commercialization beyond intended levels and undermining long-standing expectations regarding the scale and nature of permitted use. Once authorized, such uses are difficult to reverse, making it essential that their long-term implications be fully evaluated before approval.

At a minimum, any consideration of outfitter and guide expansion must be narrowly defined and constrained. This includes clear geographic limitations, an explicit prohibition on operations in recreation residences or non-commercial zones, demonstrated unmet demand supported by objective data, consideration of impacts on existing operators, and enforceable caps to prevent incremental expansion. Without these limitations, the proposal functions not as a controlled management action, but as an open-ended mechanism for continued commercialization.

XI. IMPROPER RELIANCE ON TARGETED USER GROUP SERVICES (E.G., PCT HIKERS)

The proposal attempts to justify expanded services; comments indicate that it intends to assert benefits to specific user groups, such as Pacific Crest Trail hikers. However, providing targeted services to a narrow, transient subset of users does not constitute an expansion of recreational opportunities for the general public. It does not increase access, meaningfully diversify use, or enhance overall public benefit. Instead, it reallocates limited infrastructure and capacity toward a specific group, which is inconsistent with NEPA's requirement to evaluate benefits to the broader public.

Moreover, services for PCT hikers and similar users are already widely available and functioning effectively on private lands and in nearby communities. These include lodging, food service, resupply, transportation, and retail support. The existence of these services demonstrates that there is no unmet need within the Basin itself and that the market has already responded through private enterprise. Authorizing additional federally permitted services under these conditions results in duplication rather than expansion. The proposal provides no data indicating that existing services are insufficient or inaccessible, making the justification for additional services unsupported.

The Forest Service must also avoid authorizing commercial activities on public lands that directly compete with and displace existing private businesses. Introducing or expanding services targeted at specific user groups risks creating an uneven playing field, shifting economic activity from private land to federally permitted operations, and undermining businesses that already provide these services. This is particularly concerning in a seasonal, capacity-constrained market where operators already face significant challenges maintaining year-round viability.

The EA further fails to analyze how prioritizing services for a specific user group affects overall resource allocation and visitor experience. It does not evaluate whether allocating infrastructure to PCT hikers reduces availability for general visitors, increases congestion during peak periods, or alters visitation patterns in ways that negatively affect broader public access. NEPA requires agencies to assess who benefits and who bears the impacts of a proposal. That analysis is absent here.

When considered cumulatively alongside expanded outfitter and guide permits and increased commercial flexibility, targeted services for specific user groups contribute to a broader pattern of incremental commercialization. While each action may appear limited, together they increase commercial intensity, fragment infrastructure capacity, and shift the Basin toward a more segmented and commercialized recreation model. This cumulative effect is precisely what NEPA requires the agency to evaluate and what the EA fails to address adequately.

XII. ECONOMIC SUSTAINABILITY AND MARKET REALITY IN TUOLUMNE COUNTY

The proposal fails to evaluate economic sustainability under real-world market conditions in Tuolumne County. Evidence from nearby communities demonstrates that demand for commercial services is limited, highly seasonal, and already constrained. In areas such as Twain Harte, commercial spaces remain vacant or intermittently occupied, and businesses struggle to maintain consistent, year-round operations. Similar patterns are reflected in the reduction of summer services at Dodge Ridge due to insufficient demand and cost inefficiencies. These conditions directly contradict any assumption that additional commercial services within the Pinecrest Basin are necessary or sustainable.

At the same time, consumer behavior has shifted significantly. Modern visitors increasingly arrive well-prepared, relying on online purchasing and pre-trip planning, reducing the need for on-site retail and service offerings. Existing businesses must already compete with external supply chains, further limiting demand for additional physical infrastructure. The EA does not account for these trends and instead overestimates the need for expanded services.

Existing resources already meet visitor needs. Visitors have access to goods and services in surrounding communities and through established operators within the Basin. Because these services are already functioning and available, the proposal does not expand access; instead, it duplicates existing capacity.

In a finite, seasonal market, adding additional operators does not create new demand—it divides existing demand. This leads to oversaturation, reduced revenue per operator, and decreased economic stability across the Basin. For existing businesses, this results in reduced margins, increased risk, and difficulty maintaining year-round operations. For the Basin as a whole, it results in less reliable service availability and a shift toward short-term, seasonal operations rather than stable, long-term businesses.

NEPA requires analysis of these economic impacts, including the displacement of existing businesses and long-term sustainability. The EA does not evaluate whether new services can be sustained, whether existing operators will be harmed, or whether oversaturation will degrade service reliability. Instead, it assumes that additional commercial activity is inherently beneficial—an assumption unsupported by evidence or economic principles.

When combined with expanded outfitter and guide permits and targeted user group services, the cumulative effect is a system-wide shift toward fragmented and unstable economic conditions. This undermines the stated goal of improving visitor services and supporting rural economies, and instead poses a risk to the long-term viability of the Basin's recreation system.

The proposal also fails to consider the impacts on employment within the Pinecrest Basin and surrounding communities. Existing businesses operate in a constrained, highly seasonal economic environment and must carefully balance staffing levels to remain viable. By introducing duplicative services and fragmenting a limited customer base, the proposal risks reducing overall business volume at established operations. This, in turn, can lead to reduced hours, fewer seasonal hires, and potential job losses across existing employers. Rather than creating new employment opportunities, this type of expansion is more likely to redistribute—and ultimately diminish—the available employment base by weakening the businesses that currently provide stable and recurring jobs in the region. The EA does not evaluate these reasonably foreseeable employment impacts, further underscoring the incomplete nature of the economic analysis.

XIII. HISTORIC CHARACTER, HERITAGE, AND VISITOR EXPERIENCE

Pinecrest is attractive in part because of its historic character, heritage, and unique recreation identity. Those qualities are not incidental. They are part of what makes the area valuable to visitors, residents, and existing permit holders. The proposal does not adequately account for how increased commercialization, infrastructure pressure, congestion, and overlapping use may erode that character.

The Basin already experiences parking limitations, traffic congestion, and infrastructure strain. The proposal does not solve those conditions; it risks worsening them. The likely result is not improved visitor experience but degraded conditions, additional conflict, and greater management burdens.

XIV. MISCHARACTERIZATION OF CONSULTATION RECORD

The list of individuals identified as “consulted” in the back of the document does not accurately reflect meaningful consultation as contemplated under the National Environmental Policy Act. These individuals were not solicited for input, data, analysis, or informed perspectives regarding the proposal. Rather, they appear to be individuals who may have made general inquiries to the United States Forest Service, asked questions, or were included as recipients of a form letter distributed to interested parties.

This distinction is significant. Listing individuals as “consulted” suggests that the agency engaged in substantive outreach and incorporated external information into the decision-making process. That did not occur here. There is no indication that these individuals were asked to provide information, that their input was formally requested, or that any data or analysis was obtained from them and incorporated into the record.

As a result, the consultation record is misleading and overstates the level of engagement conducted. NEPA requires agencies to ensure an accurate and transparent record of the information and input relied upon in environmental review. Characterizing general correspondence or passive receipt of information as “consultation” undermines the integrity of the process and calls into question the completeness of the administrative record.

Further, reliance on an overstated or inaccurate consultation record constitutes arbitrary and capricious decision-making under the Administrative Procedure Act, as it reflects a failure to accurately represent the evidentiary basis for the agency's conclusions. Accordingly, the mischaracterization of consultation renders the administrative record unreliable and demonstrates that the NEPA analysis is procedurally deficient.

CONCLUSION

Pinecrest Lake Resort respectfully requests that the Forest Service:

1. Withdraw the proposed Forest Plan Amendment for the Pinecrest Community Lodge
2. Deny the proposed Special Use Permit as currently framed
3. Narrow the scope of intended Outfitter Guide and Concession expansion, to prevent this expansion in the recreation residence area and limit the use in the Day Use Area.
4. Evaluate and enforce existing permit conditions and documented non-compliance before considering any expanded authorization.
5. Apply 36 CFR 251.54 and 251.56 by conducting a financial capability and technical capability review before any permit issuance is considered.
6. Provide a reasoned explanation for any departure from prior agency representations concerning whether the use of the site could be changed.
7. Refrain from relying on the EXPLORE Act as authority for site-specific commercial rezoning absent clear statutory support.

When the full factual record and applicable legal standards are applied, the proposal is unsupported, inconsistent, and legally indefensible. The EA omits critical data, fails to analyze known infrastructure constraints, fails to justify the proposed land-use reclassification, rewards noncompliance, destabilizes existing permit operations, and departs from prior agency representations without explanation.

For all of these reasons, the FONSI is unsupported, the proposal is vulnerable to administrative reversal and judicial challenge, and the Forest Service should withdraw or deny the action unless and until it conducts a lawful, evidence-based review.

APPENDIX A

The following comments submitted by the National Forest Recreation Association (NFRA) are hereby incorporated within the formal comments of Pinecrest Lake Resort.

NATIONAL FOREST RECREATION ASSOCIATION
Responsible Recreational Use of America's Public Lands and Waters

May 17, 2026

Submitted online: *https://cara.fs2c.usda.gov/Public/CommentInput?project=68965*
Stanislaus National Forest
Attn: Pinecrest Basin Management
19777 Greenley Road
Sonora, CA 95370

Re: Pinecrest Basin Management Direction- Community Center Proposal

Dear Mr. Kuiken:

The National Forest Recreation Area (NFRA) hereby submits comments in response to the proposed Pinecrest Basin Management Direction- Community Center proposal, Environmental Assessment and preliminary FONSI. NFRA's members, which include Pinecrest Lake Resort, operate under USDA Forest Service permits on national forests across the country. As discussed further below, the Stanislaus National Forest's (STF) reasons for reclassifying the Pinecrest Community Center to allow for commercial use (*i.e.*, coffee service, retail, restaurant, and lodging) demonstrate that the STF has failed to abide by Forest Service directives which require STF to first provide existing permittees "an opportunity to expand their operation to meet increasing public needs before offering new sites for development." Because existing permittees, including Pinecrest Lake Resort, have invested significant funds in their businesses over the years based on the understanding that the Forest Service policy is not to authorize new competing operations in close proximity to their operations, STF's decision and the precedent it sets is contrary to the goals of the EXPLORE Act. STF's decision will result in Forest Service permittees investing less in their operations, reduce the quality of the public's recreational experience, and harm rural recreational economies.

Notably, the STF has asserted that its decision to offer a new commercial opportunity was based on its determination that "the Pinecrest Basin continues to grow, creating higher demand for food, retail, and service amenities beyond what is currently available." Pinecrest Basin Management Direction- Community Center; Forest Plan Amendment and Special Use Permit (#68965) at 1 (hereinafter "EA").[1] However, if that assertion is accurate, the STF was

[1] While the STF cited in the EA to a purported Needs Assessment set out in Appendix A to support its assertion, that Needs Assessment simply contains similar anecdotal assertions without any actual evidentiary support, stating:

> Recreational use in the Basin has grown substantially since 2003 when the plan was written and parking has become a significant issue during peak season. Visitors increasingly seek basic amenities such as light food service, small scale

required by Forest Service directives to offer the existing permittees an opportunity to expand their operations to provide such services to meet increasing public needs. Forest Service Manual 2343.03(2) states:

> Issue prospectuses to solicit proposals for development of new concession sites when it is in the public interest or when competition exists or may be created. **Give existing concessioners an opportunity to expand their operation to meet increasing public needs before offering new sites for development**.

(Emphasis added.)[2]

The STF, however, never provided the existing permittees which provide these same services any such opportunity.[3] Therefore, if the STF's assertions as to the need to meet an increased public demand are accurate, the STF's proposed decision violates a written agency

---

> retail, and community gathering space within walking distance of campgrounds, day use sites, and recreation residences that does not necessitate additional driving.
>
> [] There is a demonstrated need to provide pedestrian accessible services located away from Pinecrest Lake, within an existing building, but still within the main Pinecrest Basin area. The existing services, for one reason or another, are not reasonably available or satisfactory to meet the needs as described.

EA at 19.

[2] It would be disingenuous and nonsensical for the STF to assert that Forest Service policy does not require the STF to provide existing concessioners with an opportunity to meet the alleged increased public demand for additional services because the community center's physical structure was already in place or privately owned, particularly given that the STF is having to go to the extraordinary effort of amending its Forest Plan to allow for the operations.

[3] The EA states that the boundary for its analysis included:

> Connected resources such as nearby commercial operations (e.g., Pinecrest Lake Resort, Pinecrest Chalet), recreation facilities, water systems, and vegetation zones that could be influenced by the proposed commercial activities.

EA at 3. The EA further states that Pinecrest Lake Resort provides lodging, a general store, and dining facilities and Pinecrest Chalet provides cabins and meeting spaces. EA at 5. In addition, Pinecrest Lake Resort and the Pinecrest Chalets are within a very short walking distance of the Pinecrest Community Center, have a well-stocked store, coffee service, restaurant, public showers and have existing water and sewer capacity.

directive which Forest Service employees are required but failed to follow.[4] NFRA is further concerned that the STF deliberately failed to allow existing permittees to expand to address the increased public need. This concern is based on the STF's statement that it sought to harm the existing permittees' operations by introducing a direct competitor. EA at 1 ("Commercial services in the Basin are currently concentrated under a few permits [and r]eclassification of the community center supports opportunities for new operators, and fosters a more competitive, resilient local economy"). Rather than improve the local economy, the STF's decision will reduce the viability of all of the existing operations by increasing the supply of services without increasing the public demand.

Finally, the STF's decision effectively rewards an individual which the STF admits knowingly operated a commercial business on National Forest System lands without a valid authorization. EA at 1 (stating that the intended permittee "currently operates as a coffee shop, event space, and lodging [in an area of the STF] which does not explicitly allow commercial services"); *id*. at 2 (the authorization was "not appropriate for a private individual, regardless of whether commercial use is occurring"); *id*. at 3 (the STF's proposed action is to "[i]ssue a special use permit to the current owners/operators of the Pinecrest Community Center, allowing them to provide commercial visitor services").

The STF's decision also appears to be premature approval prior to the STF having completed the legally mandated screening of permit applications pursuant to 36 C.F.R. § 251.54(e). Given that the STF has acknowledged that the current operator of the Pinecrest Community Center has operated in violation of the applicable laws and terms of its existing authorization, the operator clearly "cannot demonstrate technical [] capability [] to fully comply with the terms and conditions of the authorization." 36 C.F.R. § 251.54(e)(5)(iv). Therefore, the operator cannot pass the second-level screening process set out in the agency's regulations.

---

[4] While the STF cited in the body of the EA to a purported Needs Assessment set out in Appendix A to support its assertion, that Needs Assessment simply contains the same anecdotal assertions in the body of the EA without any actual evidentiary support, stating:

> Recreational use in the Basin has grown substantially since 2003 when the plan was written and parking has become a significant issue during peak season. Visitors increasingly seek basic amenities such as light food service, small scale retail, and community gathering space within walking distance of campgrounds, day use sites, and recreation residences that does not necessitate additional driving.
>
> [] There is a demonstrated need to provide pedestrian accessible services located away from Pinecrest Lake, within an existing building, but still within the main Pinecrest Basin area. The existing services, for one reason or another, are not reasonably available or satisfactory to meet the needs as described.

EA at 19. Therefore, the assertions in the Needs Assessment have no support in the record.

NFRA objects to the STF's proposed action for the reasons set forth above. NFRA's comments are timely and meet the information requirements pursuant to 36 C.F.R. Part 218. NFRA therefore is eligible to file an objection before the final decision should the STF not decide to withdraw its proposed action.

Respectfully submitted,

Marily Reese

Marily Reese
Executive Director
National Forest Recreation Association

cc: Honorable Tom McClintock
Member of Congress
James Bacon
Acting Director of Public Benefits
USDA Forest Service
Kevin Garden
The Garden Law Firm, P.C.

EXHIBIT B - DODGE RIDGE, COUNTY-SALE, AND COMPARATIVE-TREATMENT RECORD

The following emails are agency documents obtained through FOIA request.

Subject: FW: [External Email]Building purchase question

Hi Cindy and Lori,

Please see the trailing message, but it sounds like the County has approached Dodge to see if they would be interested in purchasing the old Pinecrest school. Dodge is considering it, but would want to convert the building to employee housing. Seeing if there is anything in the permit that would prevent them from doing so?

Thomas

From: Eric Sandberg <esandberg@dodgeridge.com>
Sent: Monday, September 9, 2024 12:41 PM
To: Macias, Miguel - FS, CA <miguel.macias@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Subject: Re: [External Email]Building purchase question

Yes it is the school by Meadowview off Dodge Ridge rd.

Eric Sandberg
Base Area Director
Dodge Ridge Mountain Resort

On Mon, Sep 9, 2024 at 11:58 AM Macias, Miguel - FS, CA <miguel.macias@usda.gov> wrote:

> Hi Eric,
> Good question and I'm unsure as well. Are you talking about the school across from Meadowview CG or the school along highway 108 and Strawberry Road?
>
> Let's start question here with Shawn or Thomas.
> Miguel-
>
> ---
>
> **From:** Eric Sandberg <esandberg@dodgeridge.com>
> **Sent:** Saturday, September 7, 2024 10:48 AM
> **To:** Macias, Miguel - FS, CA <miguel.macias@usda.gov>

Subject: [External Email]Building purchase question

You don't often get email from esandberg@dodgeridge.com Learn why this is important

[External Email]
If this message comes from an unexpected sender or references a vague/unexpected topic;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Miguel,

The county approached us here at Dodge Ridge with the opportunity to purchase the old Pinecrest School building. We went and looked at it yesterday and are now considering the possibilities. It looks like it would be pretty much a blank slate inside and has some needs addressed outside.

We would consider purchasing the building with a few uses in mind but our first priority would be for employee housing in the winter. There could be other possibilities in the summer.

I am wondering if the Forest Service would allow us to use it as housing. If it is not an option we probably will not pursue the purchase.

I know you may not be the one with the answers so can you let me know who we should contact or can you pass this along?

Thank you,

Eric Sandberg // Base Area Director
[redacted]
esandberg@dodgeridge.com

applications or inquiries.

From what I understand, interested parties need to make an offer by next week. The County said that they put a public notice out, I searched and can't find it.

The school is still using it and holding classes there. I asked the County what the plans for the school are or if they have told them they are selling it, I haven't received a response. It did sound like the school was not interested in buying it though.

I will be picking up a key from the County on Tuesday so that we can go look at the inside of the building one day soon. Let me know if you are interested in joining.

I still need to ask Lisa about the historic rating of the building.

I wanted to update you and keep you in the loop. Feel free to respond with further questions, responses, information.

Thanks!

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator

Forest Service
Stanislaus National Forest
Summit Ranger District

p: 209-264-2917
c: PII [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov

1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

AFFP
PUBLIC NOTICE

Affidavit of Publication

STATE OF CALIFORNIA } SS
COUNTY OF TUOLUMNE }

Carey Martin, being duly sworn, says:

That she is Principal Clerk of the Union-Democrat, a daily newspaper of general circulation, published in Sonora, Tuolumne County, California; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 11, 2024, September 18, 2024, September 25, 2024

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

C Martin

Principal Clerk

Subscribed to and sworn to me this 25th day of September 2024.

C Martin

Carey Martin, Principal Clerk, Tuolumne County, California

00006587 00034266

TUO CO GENERAL SERVICES AGENCY
2 S. GREEN ST
SONORA, CA 95370

PUBLIC NOTICE

On August 20th, 2024 the Tuolumne County Board of Supervisors adopted a resolution
declaring a County-owned building surplus and authorized the County Administrator to market the property for sale with a minimum price of $100,000.

The building is on land leased from the United States Forest Service and is located at 2 Pinecrest School Road in Pinecrest, California (Assessor's Parcel Number 025-020-004-000). It's also known as the Pinecrest Community Center. The total building square footage is 5,029 square feet consisting of classrooms, group meeting rooms, public restrooms,
storage rooms and a kitchen.

For more information contact Michael
Roberson, General Services Agency Assistant Director, at 209.533.5533 or mroberson@co.tuolumne.ca.us.
Publication dates: 9/11/24, 9/18/24, 9/25/24
The Union Democrat, Sonora, CA 95370

From: Cofer, Cynthia - FS, CA
Sent: Thursday, October 10, 2024 3:06 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Lupo, Lori - FS, CA <Lori.Lupo-klingberg@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Macias, Miguel - FS, CA <miguel.macias@usda.gov>
Subject: RE: [External Email]Building purchase question

Hello,

I apologize for the delayed response.

I attached the most recent permit and notes from a meeting that we had in 2022.

If the Forest Supervisor supports it, we can look at changing the use. There might be NEPA and cost recovery required.

This is what the permit says:

I. TRANSFER OF TITLE TO THE IMPROVEMENTS.
1. Notification of Transfer. The holder shall notify the authorized officer when a transfer of title to all or part of the authorized improvements is planned.

2. Transfer of Title. Any transfer of title to the improvements covered by this permit shall result in termination of the permit. The party who acquires title to the improvements must submit an application for a permit. The Forest Service is not obligated to issue a new permit to the party who acquires title to the improvements. The authorized officer shall determine that the applicant meets requirements under applicable federal regulations.

Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From: Cofer, Cynthia - FS, CA
Sent: Friday, October 18, 2024 12:13 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Lupo, Lori - FS, CA <Lori.Lupo-klingberg@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Macias, Miguel - FS, CA <miguel.macias@usda.gov>; Moore, Eugenie - FS, CA <Eugenie.Moore@usda.gov>; Dehart, Lisa - FS, CA <lisa.dehart@usda.gov>
Subject: RE: [External Email]Building purchase question

Hello,

I have a few updates on the sale of the Community Center Service Building.

I am receiving calls from interested purchasers. I am sending them the attached FSH. They are interested in changing the use. I looked in the file, in the past commercial use would not be authorized per direction of Pinecrest Rec Plan. I looked at the current Forest Plan (attached) pgs. 178-179. It shows the community center is in the AU management zone and its use should serve the needs of visitors. This should assist in determining if the FS should support uses when we receive

From: Cofer, Cynthia - FS, CA
Sent: Friday, October 25, 2024 8:30 AM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Lupo, Lori - FS, CA <Lori.Lupo-klingberg@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Macias, Miguel - FS, CA <miguel.macias@usda.gov>; Moore, Eugenie - FS, CA <Eugenie.Moore@usda.gov>; Dehart, Lisa - FS, CA <lisa.dehart@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Subject: RE: [External Email]Building purchase question

Good morning,

I have set up a meeting at the school for today at 3pm. I will take photos and can note any obvious issues if I see any.

Since I couldn't locate the County's Public Notice for the sale of the improvements, I asked the current permittee to send it to me. We should receive it today.

If anyone would like to join the site visit today, let me know.

I cc'ed Jesika. I reached out to her regarding the use. Then reached out again She set up a meeting to discuss this next week.

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator
Forest Service
Stanislaus National Forest
Summit Ranger District
p: 209-264-2917
c: PII [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road

From:	Cofer, Cynthia - FS, CA
To:	Meyer, Thomas - FS, CA; Lupo, Lori - FS, CA
Cc:	Winstead, Shawn - FS, CA; Macias, Miguel - FS, CA; Moore, Eugenie - FS, CA; Dehart, Lisa - FS, CA; Ellis, Jesika - FS, CA
Subject:	RE: [External Email]Building purchase question
Date:	Friday, October 25, 2024 9:26:39 AM
Attachments:	Community Center Sale Public Notice TCGS 9-25-24 NOTICE affidavit.pdf 9-25-24 TEARSHEET.pdf image001.png image002.png image003.png image004.png

Attached is the public notice and tear off sheet.

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator

Forest Service
Stanislaus National Forest
Summit Ranger District

p: 209-264-2917
c:[redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov

1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

a - FS, CA <Cynthia.Cofer@usda.gov>
ctober 31, 2024 9:52 AM
homas - FS, CA <thomas.w.meyer@usda.gov>
or, Debbie - FS, CA <Deborah.Gaynor@usda.gov>; Ellis, Jesika - FS, CA
sika.Ellis@usda.gov>
Subject: Notes from call re: Community Center and Dardanelle

Hello, Here are a few notes. I tried to capture pertinent info. Feel free to add if I missed anything. Thanks again for the assistance!

PC Community Center

County may sell, opened for bids, received 2. Taking to Board of Supervisors. May sell or keep it. Can not share w us who submitted bids, confidential for now.

FS is not required to issue permit to owner of improvements.

Owner needs to submit proposal, and we need to screen it. How does it impact visitors and area?

Will need FAD.

We received requests for info from Liar of the Bear, Dodge and a couple of other people.
Liar is a camp, would not issue that use. Phasing out, only reissuing not issuing new permits for clubs, exclusive use.
Dodge asked about changing use and using it as employee housing, How does that impact visitors/area?

Want to keep same use. Benefits public.

Thomas can issue up to 5-year permit. If new owner, we wouldn't want to go over 5.

Thomas would reach out to SO before doing that.

Dardanelle

No response to certified letter, no permit. Area may have safety hazards.

Hello, Here are a few notes. I tried to capture pertinent info. Feel free to add if I missed anything. Thanks again for the assistance!

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Want to keep same use. Benefits public.

Thomas can issue up to 5-year permit. If new owner, we wouldn't want to go over 5.

Thomas would reach out to SO before doing that.

Dardanelle

No response to certified letter, no permit. Area may have safety hazards.

Notice of trespass letter, give 30-60 days to respond with plan. If no response will consider and move forward as abandoned.

Can draft 1 year permit, give 60 days – 1 year to clean up or take necessary action.

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator

have already filled you in on some of this, but we are in the process of issuing Joel and his wife, Michelle, a one-year permit which will authorize continued use of the building for Summerville High Scholl, meetings and events. We are waiting on return signatures as well as his certificate of insurance.

Joel wanted to set up a meeting to discuss the proposed future use of the building so Cindy and I met with him the other week. From that meeting, we informed him that we would issue the one-year permit, but he needs to work on developing and submitting a proposal. He discussed converting the space to employee housing to benefit the local public who work in the area, i.e. Dodge, Org camps, etc. From our previous conversations, we informed him that changing the use codes was not advised and the use should provide some type of community benefit to the public. He inquired more about changing the use code and was pushing back on this. Basically, wanting to know more about why he couldn't or why its not advised.

I unfortunately couldn't really give him a clear answer, so I let him know I would follow up and try to provide some more information. Ideally, I don't really want to change the use code, and I think there are some creative ways to utilize that facility. I know its not advised but I think he's looking for more of an explanation why. If you have any thoughts or recommendations on how to frame that up, I would greatly appreciate it.

Thomas

From: Meyer, Thomas - FS, CA
Sent: Friday, November 1, 2024 11:55 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Cc: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Subject: RE: Notes from call re: Community Center and Dardanelle

Thank you for capturing these notes, Cindy! And thanks again, Debbie and Jesika, for taking time to be one the call.

Have a good weekend everyone.

Thomas

From: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Sent: Thursday, October 31, 2024 9:52 AM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Subject: Notes from call re: Community Center and Dardanelle

From: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Sent: Monday, November 4, 2024 3:22 PM
To: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Cc: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: Update on Pinecrest Community Center and Dardanelle Resort

Hi Shawn,

Last week, Cindy and I met with RO SUP staff Debbie Gaynor and Jessika Ellis to discuss the Pinecrest Community Center, and we also discussed the Dardanelle Resort. I wanted to provide an update from those conversations.

I will start with the Pinecrest Community Center, but as you are aware, the County was exploring the possibility of selling this facility. We've received a couple inquiries locally from perspective buyers and they were mostly curious about use codes and what they could do with/renovate the space.

We learned today that a purchase was made. Cindy is getting more details and specifics, but we understand the buyer is Joel Frantz with SPM builds. Joel is the contractor that is building the new kitchen facility at Liar of the Bear. Liar was one of the inquires we received requesting more information earlier on, so we are trying to determine if they are connected or what the case might be.

With the purchase, the buyer will still be responsible for submitting their application for the proposed use of the space and financial ability determination (FAD). We will need to screen this before issuing a new permit. In speaking with Debbie and Jessika, they didn't advise changing the use code for the facility and it can't be exclusive use for clubs like Liar of the Bear. In Cindy's conversation with Joel, it sounds like he wishes for the school to continue utilizing the space and he wants to update and fix the other part of the facility that has significant HVAC and maintenance needs. Outside of that, we'll have to see what his application and proposal looks like and how it benefits the public. Being a new owner, we would look to issue a 5-year permit versus anything more long-term.

For Dardanelle, we talked about this as well. Debbie had seen a listing and how they were advertising that the actual land was for sale which can be misleading to perspective buyers. They are buying the improvements and not the land which is conversation to have with the agents. That lead to further conversation about the existing owner. They are still without a permit, and it has been expired since 2020. For reference and timeline, we were coordinating back to 2022. We received their O&M plan that year, processed their request to build a new store with construction beginning in 2022, and drafted a new permit but everything basically started falling off from there. Cindy and I drove up to the site today and there are some safety issues and other needs that should be addressed. Cindy has made multiple attempts to make contact with the owner but we've had ZERO response from any email, phone, or certified letters. I will lay out a more bulleted timeline below, but it seems like they've completely abandoned it.

Debbie and Jessika provided some recommendations, but we have concerns about being liable and any safety issues and clean up needed for the site. We could draft a one-year permit and give them 60 days – 1 year to clean up the site or take necessary action. Since they haven't been responsive to correspondences, I am not sure if this would be effective or not. The other recommendation would be to move forward with a Notice of Trespass letter and give 30-60 days to respond with a plan of action. If they don't respond in the time provided, we would look to move forward as abandoned. This would hopefully incentivize them to address any issues that could potentially fall back on us.

Below is the timeline that Cindy provided for your reference:

- Most recent permit SUM1947 signed 6/12/2020 -expired 12/31/2020
- Most recent O&M Plan dated 4/15/2021
- We processed their request to build resort store building 8/2022, they began building in 2022. Construction did not continue in 2023.
- Drafted SUM2104 temp permit in 2022
- Emailed and called, [redacted], [redacted], [redacted], advised working on permit, requested operating plan, list of gross fixed assets, provided services and facilities. 2/7/2023
- Emailed regarding not operating and need for use reports and information, 7/19/2023
- Letter sent 8/2023
- Certified letter sent and received 10/19/2023

When you get back, I am hoping we can carve out some time to discuss and see what your preference would be on a path forward. Also if/when we need to loop in Jason and/or Susan? I see it somewhat related the Kathy Kram situation when we were looking at possibly revoking her permit.

Thomas

Thomas Meyer

From: Joel Frantz
To: Cofer, Cynthia - FS, CA
Cc: Meyer, Thomas - FS, CA
Subject: [External Email]Re: Proposal and Application
Date: Thursday, November 21, 2024 6:09:22 PM
Attachments: image001.png
image002.png
image003.png
image004.png

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hello, thank you for the information,
I have been communicating with the school and the county. I have the application you attached but I need a little help with integrating the proposal. I may have misplaced the proposal documents. Can you please resend? We are hoping to complete escrow by 2025.
Thank you!

On Tue, Nov 5, 2024 at 3:36 PM Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov> wrote:

> Hi Joel,
>
> Congratulations on the purchase of the building!
>
> We will need a proposal. The email that I sent you previously that has the FS Handbook has information on proposals and applications. Also attached is an application.
>
> It is great that you will continue to lease it to Summerville. As far as other uses, keep in mind that the facility should be designed to serve the needs of the local population, providing space for various activities, programs, and services. Examples include, socializing through various meetings and events, promoting learning by offering educational opportunities, health and wellness workshops, fitness classes, support groups, recreation programs, counseling and support services, technology access, and workspaces. Events may also be a possibility, like meetings, weddings, reunions, celebrations, etc.
>
> Feel free to contact me if any questions.
>
> **Cynthia Cofer**
>
> **Resource Specialist**
> **Special Use Permit Administrator**

From: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Sent: Monday, December 2, 2024 10:07 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: Lupo, Lori - FS, CA <Lori.Lupo-klingberg@usda.gov>
Subject: FW: Agenda for Board of Supervisors - AMENDED on Tuesday, December 3, 2024 at 9:00 AM PST has been posted

Good morning

See item number 8 on the agenda below. They are talking about Pinecrest Community Hall if you feel like attending. If you haven't been to one of these meetings, you can call me for details.

Best,

Shawn J. Winstead, DrBA
Sugar Pine District Ranger
Forest Service
Stanislaus National Forest, Summit/Mi-Wok Ranger Districts
p: 209-965-3434
c: PII [redacted]
shawn.winstead@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From: Tuolumne County <tuolumnecounty@public.govdelivery.com>
Sent: Wednesday, November 27, 2024 2:26 PM
To: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Subject: Agenda for Board of Supervisors - AMENDED on Tuesday, December 3, 2024 at 9:00 AM

From: Cofer, Cynthia - FS, CA
To: Winstead, Shawn - FS, CA; Meyer, Thomas - FS, CA
Cc: Lupo, Lori - FS, CA
Subject: RE: Agenda for Board of Supervisors - AMENDED on Tuesday, December 3, 2024 at 9:00 AM PST has been posted
Date: Monday, December 2, 2024 1:08:07 PM
Attachments: image001.png
image002.png
image005.png
image006.png
image007.png

Thanks Shawn!

I am glad to see that they have both items on the agenda. The lease with Summerville and the sale to Frantz. We have been communicating with the County and the potential new owner on these items.

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator

Forest Service
Stanislaus National Forest
Summit Ranger District

p: 209-264-2917
c: [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov

1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From: Meyer, Thomas - FS, CA
To: Cofer, Cynthia - FS, CA
Cc: Winstead, Shawn - FS, CA
Subject: RE: [External Email]Frantz SF-299
Date: Thursday, December 5, 2024 9:40:00 AM
Attachments: Frantz SF299 2.pdf

If I am reading correctly, it looks like they eventually do want to change the use code for this facility and convert to employee housing? Just recalling our conversations with Debbie and Jessika, they didn't advise changing the use code for the facility and it cannot be exclusive use... We'll have to see what their proposal looks like before issuing a permit.

Thomas

From: Joel Frantz PII [redacted]
Sent: Thursday, December 5, 2024 6:51 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: mroberson@co.tuolumne.ca.us
Subject: [External Email]Frantz SF-299

[External Email]
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Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hello,
We received notice that our property deal with the county is approved. We are excited to start this new project with the Pinecrest community hall. I am attaching our Sf299 which I hope is completed to your satisfaction. I am also including Michael Roberson, our sales liaison with the county, in this email. It is our hope to complete the transaction this month.
Thank you so much!

--
Joel Frantz
T PII [redacted]

From: Meyer, Thomas - FS, CA
To: Cofer, Cynthia - FS, CA
Cc: Winstead, Shawn - FS, CA
Subject: ~~RE: [External Email]Frantz~~ SF-299
Date: Thursday, December 5, 2024 9:40:00 AM
Attachments: Frantz SF299 2.pdf

If I am reading correctly, it looks like they eventually do want to change the use code for this facility and convert to employee housing? Just recalling our conversations with Debbie and Jessika, they didn't advise changing the use code for the facility and it cannot be exclusive use... We'll have to see what their proposal looks like before issuing a permit.

Thomas

From: Joel Frantz [redacted]
Sent: Thursday, December 5, 2024 6:51 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: mroberson@co.tuolumne.ca.us
Subject: [External Email]Frantz SF-299

Hello,
We received notice that our property deal with the county is approved. We are excited to start this new project with the Pinecrest community hall. I am attaching our Sf299 which I hope is completed to your satisfaction. I am also including Michael Roberson, our sales liaison with the county, in this email. It is our hope to complete the transaction this month.
Thank you so much!

--

Joel Frantz
T[redacted]

USDA United States Department of Agriculture
Forest Service
Stanislaus National Forest
Summit Ranger District
#1 Pinecrest Lake Road
Pinecrest, CA 95364
(209) 965-3434
FAX: (209) 965-3372
TTY/TDD: (209) 965-0488
http://www.fs.fed.us/r5/stanislaus

File Code: 2720-123
Date: December 20, 2024

Joel and Paula Frantz
[redacted]
Sonora, CA 05370-4455

Dear Mr. and Mrs. Frantz:

Attached is a draft Special Use Permit for the operation of the Community Center Building.

Please submit an operating plan and evidence of insurance as outlined in the draft permit. In addition, submit ownership documents (bill of sale or deed).

If any questions regarding this process arise, please do not hesitate to contact Cynthia Cofer, Resource Specialist at (209) 770-8065 or via email at cynthia.davenport@usda.gov.

Sincerely,

Shawn James Winstead

SHAWN WINSTEAD
District Ranger

enclosures

Subject: [External Email]Frantz Family Lodge

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good Morning, Shawn. We have been brainstorming ideas for the old Community Hall and here are our thoughts...

The interior will be remodeled to include upgraded room dividers so that the building can continue to host group events with the addition of a lodge.
The Lodge would be a portion of the central hall area divided with tables and chairs, a wood stove, wi-fi and tv.
The remodeled kitchen could be home to Camp Town Coffee, gourmet coffee drinks, sandwiches and snacks. Locals, including the school, seasonal campers and daily use skiers could all benefit from this.
Remodeled public bathrooms and shower room can be additionally outfitted with the addition of public use coin-operated laundry machines. Campers in need of a washing machine wouldn't need to travel down to Mi-wuk. Public use coin-operated showers are also a possibility.
The building will continue to host Community activities. The Scouts and others will be able to continue enjoying its dormitory style use with the benefit from the remodel for their frequent overnight stays. With a few upgrades, It is our hope that the Frantz family lodge transforms the old community hall and becomes a benefit to the community and a hub for all to gather.

--
Joel Frantz
T [redacted]

From: Meyer, Thomas - FS, CA
To: Gaynor, Debbie - FS, CA; Ellis, Jesika - FS, CA
Cc: Cofer, Cynthia - FS, CA
Subject: RE: Notes from call re: Community Center and Dardanelle
Date: Thursday, January 16, 2025 1:12:28 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Sounds good. Thank you!

From: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>
Sent: Thursday, January 16, 2025 12:52 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Cc: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: RE: Notes from call re: Community Center and Dardanelle

Yes, the next week works for me. I'll send a Teams invite for Monday (27th) afternoon.

Deborah Gaynor
Recreation Special Uses Program Manager
Forest Service
Pacific Southwest Region
p: 707-562-8860
c: [redacted]
deborah.gaynor@usda.gov
1323 Club Drive
Vallejo, CA 94592
www.fs.usda.gov

Caring for the land and serving people

From: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Sent: Thursday, January 16, 2025 12:46 PM
To: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Cc: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: RE: Notes from call re: Community Center and Dardanelle

Thanks for offering to meet, Debbie. Unfortunately, next week Tuesday is our FLT meeting and Thursday I am scheduled for Jury Duty... Wednesday is also pretty scheduled out with other meetings, but I am free any time after 1500.

Otherwise, I am more available the following week on either Mon (between 11 am – 2 pm) or Tues afternoon. Do any of those days/time work for everyone?

Thomas

From: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>
Sent: Thursday, January 16, 2025 12:10 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Cc: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: RE: Notes from call re: Community Center and Dardanelle

Sorry, I forgot that Monday is a holiday. How about Tuesday or Thursday afternoon?

Deborah Gaynor
Recreation Special Uses Program Manager
Forest Service
Pacific Southwest Region
p: 707-562-8860
c: PII [redacted]
deborah.gaynor@usda.gov
1323 Club Drive
Vallejo, CA 94592
www.fs.usda.gov

Caring for the land and serving people

From: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Sent: Thursday, January 16, 2025 11:09 AM
To: Gaynor, Debbie - FS, CA <Deborah.Gaynor@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Cc: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: RE: Notes from call re: Community Center and Dardanelle

Hi Debbie and Jesika,

A quick follow up on our conversation regarding the Pinecrest School and Community Center. The county has completed the sale, and the new owner is Joel Frantz. Joel is a local contractor and is doing a lot of work with Camp Oski, Lair or the Bear Kitchen remodel, etc. Cindy might

From: Ellis, Jesika - FS, CA
To: Meyer, Thomas - FS, CA; Cofer, Cynthia - FS, CA; Gaynor, Debbie - FS, CA
Subject: Pinecrest Community Center

The Pinecrest Community Center facility, use code 362 Service Center, has been listed for sale. The permit (SUM1970) expired in 2022 and was issued to "operate and maintain a community center." The most recent permit was issued on an FS-2700-4 using the Permits for Public Building and Other Public Works authority provided by the Act of September 3, 1954, (43 U.S.C. 931c-931d). Easements, permits, and term permits. The facility is currently owned by Tuolumne County. We waive the annual (minimum) fee using the state and local government waiver criteria. The County does rent out the facility and charges a fee of $34/hour for the use.

FSM 2723.62: 2723.62 — Service Building

This designation includes other community service facilities, such as police stations, jails, firehouses, dog pounds, fire towers, and medical offices and centers.

Consider a land exchange in lieu of issuing a special use authorization for a service building. Along with the usual land exchange authorities (FSM 5430), the Sisk Act of December 4, 1967 (16 U.S.C. 484a), provides a mechanism for land exchange if there is an insufficient non-NFS land base for purposes of an exchange.

An interagency or collection agreement may cover the operation and staffing of federally owned fire towers and other improvements used in conjunction with fire management activities.

The district is receiving inquiries about future and potential use for the site and is seeking advice to be able to accurately respond to questions from potential purchasers.

According to the Stanislaus Forest Plan Direction, the facility appears to be located in the Administrative Zone. All management zones must adhere to the following S&G's:

Facilities are rustic and simple in design, are consistent with the forest outdoor setting and experience and are compatible with local historic values.
Except where infeasible or costs are extraordinary, all linear utility upgrades and replacements are underground.
Utilities will be upgraded to provide for new uses or changes in capacity.
Upgrade, maintain, and rehabilitate facilities and trails to reduce and reverse the negative effects of trampling and soil compaction.

The administrative zones have the additional S&G's as follows:

Facilities are designed for user comfort and convenience.
Future facility expansion includes planning for the expected use, more diverse activities that serve the needs of visitors, accessibility standards, and meets all building codes.
Moderate to heavy site modifications are allowed for carefully designed facilities.

Facilities • Pinecrest Community Hall <https://www.tuolumnecounty.ca.gov/Facilities/Facility/Details/Pinecrest-Community-Hall-16>

From: Cofer, Cynthia - FS, CA
To: Winstead, Shawn - FS, CA; Meyer, Thomas - FS, CA
Subject: RE: [External Email]Frantz Family Lodge
Date: Thursday, January 23, 2025 9:41:03 AM
Attachments: image001.png
image002.png
image005.png
image006.png
image007.png

Hello,

This looks pretty good. I think offering coffee, sandwiches and snacks, showers, laundry, and overnight stays may fall under a concession and use code 136 Store, Shop, Office plus other use codes. I would refer to Jesika and Debbie. In addition, when we add use codes to a permit it generates a form that has language that we can not take out. It may require MDP and site assessment or other clauses. If it does, perhaps a decision memo would cover it. There is also a CE "excluded from documentation in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) and no extraordinary circumstances' would preclude use of the category:
"Approval, modification, or continuation of minor special uses of NFS lands that require less than five
contiguous acres of land [36 CPR 220.6(e)(3)]." Appendix A contains a "Review of Extraordinary Circumstances"

We have not crossed the Financial Ability Determination bridge yet. I have never done one. I think Jesika and Debbie recommend it. I have seen a 1 year permit issued, even a few times, and use that to determine financial ability. With the current workload and priorities, that might be the way to go.

We also need additional information in the operating plan. Including rules for those using the building, boundaries, prices they are charging, a copy of the agreement they will have people sign, etc. The current plan includes overnight stays, I am not sure if we should approve that.

Joel and Paula have been asked multiple times for insurance and signed permit to be returned. We really need to get this as they are operating without a permit.

From Jesika Joel should keep in mind that the facility should be designed to serve the needs of the local population, providing space for various activities, programs, and services. Examples include, socializing through various meetings and events, promoting learning by offering educational opportunities, health and wellness workshops, fitness classes, and support groups, recreation programs, counseling and support services, technology access, and workspaces. Events are also a possibility, like meetings, weddings?, reunions, celebrations, etc.

The interior will be remodeled to include upgraded room dividers so that the building can continue to host group events with the addition of a lodge.
The Lodge would be a portion of the central hall area divided with tables and chairs, a wood stove, wi-fi and tv.
The remodeled kitchen could be? home to Camp Town Coffee, gourmet coffee drinks, sandwiches and snacks?Locals, including the school, seasonal campers and daily use skiers could all benefit from this.
Remodeled ?public bathrooms and shower room can be additionally outfitted with the addition of public use coin-operated laundry machines? Campers in need of a washing machine wouldn't need to travel down to Mi-wuk. Public use coin-operated showers are also a possibility.
The building will continue to host Community activities. The Scouts and others will be able to continue enjoying its dormitory style use with the benefit from the remodel for their frequent overnight stays. With a few upgrades, It is our hope that the Frantz family lodge transforms the old community hall and becomes a benefit to the community and a hub for all to gather.

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator
Forest Service
Stanislaus National Forest
Summit Ranger District
p: 209-264-2917
c: PII [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From: Joel Frantz <[redacted]
Sent: Tuesday, January 28, 2025 10:33 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Paula Frantz [redacted]
Subject: [External Email]Re: FW: [External Email]Frantz Family Lodge

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

This response has really deflated our hopes and goals for the use of our building. It seems we are not permitted to even continue to use this building in the manner they have for the last 50 years. We would have liked to have been included in your call regarding the building, as the owners. Additionally, we do not understand the Use Code associated with the current permit. Iit seems your interpretation is very narrow. We do not know what the "forest plan" is and do not understand cost recovery, public scoping. While we appreciate the ideas put forth in the programs you list, the existing uses and logical future uses seem to be rejected.
We are life-time members of the community in Tuolumne County and appreciate the opportunity to be included in further discussions about the use of our building.

On Mon, Jan 27, 2025 at 4:00 PM Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov> wrote:

Hello,

We had a call today and discussed the building, past uses and future uses.

The building can be used to provide space for various activities, programs, and services. Examples include, socializing through various meetings and events, promoting learning by offering educational opportunities, health and wellness workshops, fitness classes, and support groups, recreation programs, counseling and support services, technology access, and workspaces. Events are also a possibility, like meetings, weddings, reunions, celebrations, etc. Overnight stays will not be approved in the permit. If the request is made, we can look at it on case-by-case basis. We will need an updated operating plan and copies of event agreement, contract, including rules for those using the building, boundaries, prices they are paying, any agreement you will have people sign, etc.

To offer gourmet coffee drinks, sandwiches and snacks, coin operated showers, coin-operated laundry machines, the use codes would change, and a proposal is required. Once a proposal is submitted it goes through a screening process. It is believed that this will not fall within the forest plan. It may require cost recovery, public scoping, financial ability determination. Based on this, it would not be approved at this time.

Feel free to contact me with any questions. Thanks Joel!

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator
Forest Service
Stanislaus National Forest
Summit Ranger District
p: 209-264-2917
c: [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

From: Winstead, Shawn - FS, CA
To: Meyer, Thomas - FS, CA; Cofer, Cynthia - FS, CA
Subject: Re: [External Email]Re: FW: [External Email]Frantz Family Lodge
Date: Wednesday, January 29, 2025 8:32:11 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

I agree, he needs to do some of his own homework. Guide him to the references, but we cannot be his business coach.

Not sure why he feels he cannot do what the previous permitee was doing. Unless they were doing something that we don't know about.

Best

Shawn

Get Outlook for iOS

From: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Sent: Wednesday, January 29, 2025 11:12:44 PM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Subject: RE: [External Email]Re: FW: [External Email]Frantz Family Lodge

Hi Cindy,

He is discouraged and I understand that, but his response seems more reactionary. It still seems apparent that he hasn't taken the time to fully review and comprehend his permit and the information we've provided him thus far. Understand your frustration and also the time it's taking away from other work. I don't know if we need to jump to an immediate response, but I don't know if its appropriate to say to look it up online either. He does need to do some research on his own though.

Is the Forest Plan, cost recovery and the scoping process all made public? I believe so, and if that is the case, I would provide a response with these as references. As far as more information on use codes, I am not sure what else to tell him. We provided him with the FSH and his permit should describe what use is authorized. I just don't think he likes the information and the response we are providing. In our response, I would defer him back to the permit and the FSH. I understand if he has questions, but he needs to be more specific in describing what exactly he isn't understanding. We could see if Debbie has further info on service buildings or use code 362, but I would probably refrain from sending him the FSM on resorts and lodging. I think it would just add confusion and try to apply it to his situation.

I still need to review the Forest Plan myself but those are some of my thoughts. We can work on drafting the response together but the communication should maybe come from Shawn or I in this case. Shawn, do you have any thoughts or suggestions otherwise?

Thomas

From: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Sent: Wednesday, January 29, 2025 11:19 AM
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Subject: RE: [External Email]Re: FW: [External Email]Frantz Family Lodge

Hi Shawn and Thomas, I can see that Joel is very discouraged. I want to reply but want to do so in a nice and informative way. I am a bit frustrated with this and I don't think I should reply just yet. What are your thoughts? Supply him with information on Forest Plans, Forest Service Cost Recovery and the public scoping process of NEPA? Or have him look it up online?

He still wants more information on use codes. I had sent him FSH that includes information. I am looking for additional information. Debbie sent us info out of FSM on resorts and lodging. I am looking for further info on service buildings or use code 362 there. No luck yet. I might ask Debbie.

Should I respond to Joel and let him know we received his email and will provide further info? Thanks and I apolagize for being needy!

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator
Forest Service
Stanislaus National Forest
Summit Ranger District
p: 209-264-2917
c: [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From:	Cofer, Cynthia - FS, CA
To:	Winstead, Shawn - FS, CA; Meyer, Thomas - FS, CA
Subject:	RE: [External Email]Re: FW: [External Email]Frantz Family Lodge
Date:	Thursday, January 30, 2025 9:12:54 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png

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Hello, Here is information and links that are available to the public. I would also provide him the link to our SU website. https://www.fs.usda.gov/detail/stanislaus/passes-permits/?cid=fseprd526700

Forest Plan is on our website, pg 178 - 179 mentions the community center, zoning and S&Gs. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd535378.pdf

Public Scoping - NEPA is short for the National Environmental Policy Act of 1969. This legislation requires federal agencies to integrate environmental values into their decision-making processes. This is achieved by considering the environmental impacts of proposed actions on federally-managed lands and the reasonable alternatives to those actions. **What is scoping? Scoping is one of the earliest steps outlined by the National Environmental Policy Act (NEPA) to gather internal and external input that will help us focus the environmental impact statement (EIS). A scoping period gives the public a chance to tell the Forest Service what issues and concerns members of the public think should be addressed in the EIS before the Forest Service begins drafting the document. Public involvement is a critical piece of this analysis, and we will consider a wide range of alternatives.** An environmental impact statement or EIS is a document required by the National Environmental Policy Act. An EIS represents a federal agency's evaluation of the effect of a proposed action on the environment. During the NEPA process, an environmental impact statement is first issued as a draft EIS (DEIS) for public review and comment, and then issued as a final EIS (FEIS). https://www.fs.usda.gov/detail/stanislaus/?cid=STELPRD3790635

Cost Recovery – The assessment and collection of fees from applicants for and holders of special use authorizations to cover administrative costs incurred by the Forest Service in processing their special use applications and

monitoring their special use authorizations for compliance with their terms and conditions. Cost recovery fees are not land use fees, which are charged for the use and occupancy of National Forest System lands. Cost Recovery applies to all special use applicants with the exception of non-commercial group use and recreation special use applications requiring less than 50 hours to process.
https://www.fs.usda.gov/about-agency/regulations-policies/handbook/270911-20-cost-recovery

Cynthia Cofer
Resource Specialist
Special Use Permit Administrator

Forest Service
Stanislaus National Forest
Summit Ranger District

p: 209-264-2917
c: [redacted]
f: 209-965-3372
Cynthia.Cofer@usda.gov

1 Pinecrest Lake Road
Pinecrest, CA 95364
www.fs.usda.gov

Caring for the land and serving people

From: Joel Frantz
To: Ellis, Jesika - FS, CA
Subject: Fwd: [External Email]Frantz Family Lodge
Date: Friday, February 7, 2025 4:19:17 PM

You don't often get email from [redacted]. Learn why this is important

Begin forwarded message:

From: Joel Frantz [redacted]
Date: February 7, 2025 at 2:08:29 PM PST
To: Cofer Cynthia FS CA <Cynthia.Cofer@usda.gov>, "Winstead, Shawn - FS, CA" <Shawn.Winstead@usda.gov>, Meyer Thomas FS CA <thomas.w.meyer@usda.gov>, Paula Frantz [redacted]
Subject: Re: [External Email]Frantz Family Lodge

Hello,
I am reaching out again on this matter. We don't know or understand the classification 362 given to this building and we would appreciate an explanation as to why it does not line up with the stated use from Tuolumne County. I plan to request a multi-use permit to look into the coffee shop idea, but in the meantime it was my understanding when we bought it we would be able to continue to use it as it has been.
The building has been rented to;
Modesto Area Greater Yosemite Council, Order Of The Arrow (for winter Boy Scout events for the last 20 years) 209 602 5323
Heart of Central Cal Service unit 602, Stanislaus Farm Bureau 209 559 1334 (30 yrs)
Troop 500 Twain Harte 209 352 3222 (30 yrs)
Silicon Valley Monterey Bay council 209 965 4029 (30 yrs)
Nordic Ski Patrol (unk)
Tuolumne county building department shows it with a class P/C use designation. I am attaching their official use code description to this email to better understand it.

Ch. 17.18 Special Purpose Zoning Districts_20250102114923204O.pdf _(816K)

On Jan 28, 2025, at 10:32 AM, Joel Frantz [redacted] wrote:

This response has really deflated our hopes and goals for the use of our building. It seems we are not permitted to even continue to use this building in the manner they have for the last 50 years. We would have liked to have been included in your call regarding the building, as the owners. Additionally, we do not understand the Use Code

associated with the current permit. Iit seems your interpretation is very narrow. We do not know what the "forest plan" is and do not understand cost recovery, public scoping. While we appreciate the ideas put forth in the programs you list, the existing uses and logical future uses seem to be rejected.
We are life-time members of the community in Tuolumne County and appreciate the opportunity to be included in further discussions about the use of our building.

On Mon, Jan 27, 2025 at 4:00 PM Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov> wrote:

> Hello,
>
> We had a call today and discussed the building, past uses and future uses.
>
> The building can be used to provide space for various activities, programs, and services. Examples include, socializing through various meetings and events, promoting learning by offering educational opportunities, health and wellness workshops, fitness classes, and support groups, recreation programs, counseling and support services, technology access, and workspaces. Events are also a possibility, like meetings, weddings, reunions, celebrations, etc. Overnight stays will not be approved in the permit. If the request is made, we can look at it on case-by-case basis. We will need an updated operating plan and copies of event agreement, contract, including rules for those using the building, boundaries, prices they are paying, any agreement you will have people sign, etc.
>
> To offer gourmet coffee drinks, sandwiches and snacks, coin operated showers, coin-operated laundry machines, the use codes would change, and a proposal is required. Once a proposal is submitted it goes through a screening process. It is believed that this will not fall within the forest plan. It may require cost recovery, public scoping, financial ability determination. Based on this, it would not be approved at this time.
>
> Feel free to contact me with any questions. Thanks Joel!

From: Ellis, Jesika - FS, CA
To: [redacted]
Subject: Old Pinecrest School/Community Center
Date: Friday, February 7, 2025 5:25:00 PM
Attachments: image001.png
FS-2700-5 092020Final-RE (1).pdf

Hi Joel, it was good to talk to you today. My hope is to provide information and some clarification regarding the past and future use of the old Pinecrest School/Community Center.

From Forest Service Manual (FSM) 2723 – Community and Public Information, the "300" series of uses: "*This designation covers services, notification, facilities, or housing for persons living in or adjacent to communities located close to or dependent on NFS lands. The boundaries of these communities often are ill-defined and may occasionally involve encroachments of residences onto NFS lands.*"

The "360" series of uses is designated as "Service Uses." Other uses in this category include schools, hospitals, shelters, mailboxes, parking lots, and visitors centers/museums.

The 362 Service Building Use Code designation, according to the Forest Service Manual (FSM) 2723.62 is as follows: "*This designation includes other community service facilities, such as police stations, jails, firehouses, dog pounds, fire towers, and medical offices and centers. Consider a land exchange in lieu of issuing a special use authorization for a service building. Along with the usual land exchange authorities (FSM 5430), the Sisk Act of December 4, 1967 (16 U.S.C. 484a), provides a mechanism for land exchange if there is an insufficient non-NFS land base for purposes of an exchange.*
An interagency or collection agreement may cover the operation and staffing of federally owned fire towers and other improvements used in conjunction with fire management activities."
Here is a link to the Stanislaus Forest Plan Direction, within which is contained the Pinecrest Basin Management Plan.
https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd535378.pdf

As promised, I attached a copy of the FS-2700-5 authorization, which is the form used to authorize this use. You will likely be issued a temporary authorization on an FS-2700-4 form which is a generic authorization used for a variety of uses and does not contain the clauses that impose an obligation on the United States such as VII, A. 3., B., and F.

I will, like I said, research the historic status of the structure and reach out to Cindy to see how I might best assist the district in moving forward with permit issuance. In the meantime, feel free to reach out with any questions or concerns.

Jesika Elllis
Region Five SUDS
Coordinator

From: Cofer, Cynthia - FS, CA
Sent: Thursday, February 27, 2025 12:32 PM
To: Joel Frantz [redacted]
Subject: RE: [External Email]Cert of Ins

Hello,

Please sign the permit and then we can have the Auth Officer sign it. Thanks

Cynthia Cofer
Resource Specialist
Forest Service
Summit Ranger District
p: 209-264-2917
c: [redacted]
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364

From: Joel Frantz <spmbuilds@gmail.com>
Sent: Thursday, February 20, 2025 8:36 AM
To: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Subject: Re: [External Email]Cert of Ins

Attached are the documents you requested.

On Wed, Feb 12, 2025 at 3:34 PM Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov> wrote:

> Thank you.
>
> Can you also submit an updated operating plan, copies of event agreement, contract, including rules for those using the building, boundaries, prices they are paying, any agreement you will have people sign, etc. I can update the front page of the permit accordingly then we can all sign the permit.
>
> **Cynthia Cofer**
> **Resource Specialist**
> **Forest Service**

From: Meyer, Thomas - FS, CA
To: Cofer, Cynthia - FS, CA
Subject: RE: [External Email]Cert of Ins
Date: Friday, February 28, 2025 9:41:00 AM
Attachments: image001.png

Do you have their operating plan? It does not appear to be included with the permit.

From: Cofer, Cynthia - FS, CA <Cynthia.Cofer@usda.gov>
Sent: Friday, February 28, 2025 9:22 AM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Subject: FW: [External Email]Cert of Ins

Cynthia Cofer
Resource Specialist
Forest Service
Summit Ranger District
p: 209-264-2917
c: [redacted]
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364

From: Cofer, Cynthia - FS, CA
Sent: Thursday, February 27, 2025 12:32 PM
To: Joel Frantz [redacted]
Subject: RE: [External Email]Cert of Ins

Hello,

Please sign the permit and then we can have the Auth Officer sign it. Thanks

Cynthia Cofer
Resource Specialist
Forest Service
Summit Ranger District
p: 209-264-2917
c: [redacted]
Cynthia.Cofer@usda.gov
1 Pinecrest Lake Road
Pinecrest, CA 95364

Jesika Ellis
Region Five SUDS Coordinator
Forest Service
Pacific Southwest Region

c:[redacted]
jesika.ellis@usda.gov

From: Joel Frantz <[redacted]
Sent: Wednesday, March 19, 2025 17:06
To: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Cc: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Subject: [External Email]The Pinecrest Community Lodge Cafe

We are requesting permission to immediately add a cafe vendor to the kitchen at the PCL. We believe this will help us promote the buildings' other uses to the community and provide much needed revenue. We believe this falls under the current 362 use permit. Additionally, we are requesting a potential revision to the current permit to allow occasional, temporary, seasonal employee housing.

--

Joel Frantz
T[redacted]

From: Ellis, Jesika - FS, CA
To: Winstead, Shawn - FS, CA; Meyer, Thomas - FS, CA
Cc: Jardine, Casey - FS, CA
Subject: RE: [External Email]The Pinecrest Community Lodge Cafe
Date: Thursday, March 20, 2025 12:21:31 PM
Attachments: image001.png

Hi Thomas,

I would like to offer my assistance with this authorization. I did also speak with Casey briefly about it the other day and she agrees that you might benefit from some assistance. I am happy to help shepherd this along.

I can see that a temporary permit has been drafted, but according to the data system, has not yet been signed.

I am in contact with Joel, we have a relationship because of previous work he has done for permit holders and he reached out to me in Cindy's absence.

Could we set up some time in the near future to chat about his proposal and how to align his ideas with the use to provide service and benefit the Pinecrest community?

Jesika Ellis
Region Five SUDS Coordinator
Forest Service
Pacific Southwest Region

c: [redacted]
jesika.ellis@usda.gov

From: Joel Frantz <[redacted]>
Sent: Wednesday, March 19, 2025 17:06
To: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Cc: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>; Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
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--

Joel Frantz

PII [redacted]

From: Meyer, Thomas - FS, CA
To: Ellis, Jesika - FS, CA; Winstead, Shawn - FS, CA
Cc: Jardine, Casey - FS, CA
Subject: RE: [External Email]The Pinecrest Community Lodge Cafe
Date: Thursday, March 20, 2025 1:10:11 PM
Attachments: image001.png

Hi Jesika!

Thank you for reaching out and we would certainly appreciate any help and assistance you can provide with this authorization. Correct, his permit has not yet been signed. With Cindy moving on, she provided him with the draft, but I have yet to receive it on my end. We have informed Joel that Cindy accepted the DRP and is no longer working within SU but it's possible that he signed it and its sitting in Cindy's inbox.

As for as schedules, I will look at everyone's calendar and try to set up some time. I will be on annual leave Mon and Tues next week and Shawn is currently on leave through Wednesday.

I will send a calendar request shortly, but thanks again for offering your help! Its greatly appreciated.

Thomas

From: Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Sent: Thursday, March 20, 2025 12:21 PM
To: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>; Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: Jardine, Casey - FS, CA <casey.jardine@usda.gov>
Subject: RE: [External Email]The Pinecrest Community Lodge Cafe

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Could we set up some time in the near future to chat about his proposal and how to align his ideas with the use to provide service and benefit the Pinecrest community?

From: Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Sent: Saturday, April 19, 2025 4:37 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Subject: FW: [External Email]Updated Operating Plan

Hi Thomas and Shawn:

Please find attached the proposed operating plan and draft temporary permit for the Pinecrest Community Center. I worked closely with Joel and Paula to develop a more robust op plan and edited the permit Cindy created ever so slightly so that it better aligns with similar authorizations. Please review both documents and let me know if I can send them on to Joel and Paula for signatures. I edited the fee clauses in the permit to allow for collection of 5% of the gross from sales of concessions and other revenues (i.e. rental of facility to groups). Let me know if you have any questions.

Jesika Ellis
Region Five SUDS Coordinator
Forest Service

Pacific Southwest Region

c: [redacted]
jesika.ellis@usda.gov

--
Joel Frantz
T [redacted]

<thomas.w.meyer@usda.gov> wrote:

Hi Jesika,

Thank you for sending over these documents for my review. I looked through them yesterday but see that you might be out on leave for the next couple of days. It looks good and I appreciate you working closely with Joel on this. There were two items in the operating plan that caught my attention. The first is in the section that talks about signage and advertising. It's essentially the sentence right after the piece on using the sandwich board. *"We may not in any way, either orally, online, or in print, any aspect of the authorized use and occupancy, including services provided"*. I don't know if its missing some verbiage, but it wasn't reading right. I'm assuming its *Advertising any aspect*... but I was hoping to clarify. The other item was towards the end of the operating plan. With anticipated and future planned work, I am just curious if this would be more appropriate to have a master development plan vs stating in the operating plan.

Other than that, it looks good.

Thomas

From: Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
Sent: Saturday, April 19, 2025 4:37 PM
To: Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
Cc: Winstead, Shawn - FS, CA <Shawn.Winstead@usda.gov>
Subject: FW: [External Email]Updated Operating Plan

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thank you

On Thu, Apr 24, 2025 at 12:28 PM Meyer, Thomas - FS, CA
<thomas.w.meyer@usda.gov> wrote:

> Hi Joel,
>
> Thank you for making that correction. It looks good to me. Are you able to sign this operating plan and attached permit as the holder? If you are able to get bring it in or scan and email it to me, I will be able to review it today or tomorrow to sign as the authorized official.
>
> Thomas
>
> ---
>
> **From:** Joel Frantz PII [redacted]
> **Sent:** Thursday, April 24, 2025 8:15 AM
> **To:** Meyer, Thomas - FS, CA <thomas.w.meyer@usda.gov>
> **Cc:** Ellis, Jesika - FS, CA <Jesika.Ellis@usda.gov>
> **Subject:** [External Email]Re: FW: [External Email]Updated Operating Plan
>
> [External Email]
> If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
> Use caution before clicking links or opening attachments.
> Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov
>
> I have updated the area in regards to advertising as it looks like I had mixed up my notes when typing it up. I believe this now makes a bit more sense.
>
> As the work currently needed is real maintenance and not large scale modifications, I believe that the Operating Plan is sufficient. Thank you for your cooperation on this!
>
> -Paula
>
> On Wed, Apr 23, 2025 at 3:56 PM Meyer, Thomas - FS, CA