

**BEFORE THE REVIEWING OFFICER
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
STANISLAUS NATIONAL FOREST - SUMMIT RANGER DISTRICT**

IN RE: PINECREST BASIN MANAGEMENT DIRECTION - COMMUNITY CENTER FOREST PLAN AMENDMENT AND SPECIAL USE PERMIT NO. 68965	FORMAL OBJECTION AND REQUEST FOR WITHDRAWAL OF PROPOSED DECISION 36 C.F.R. PART 218
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HEIDI'S SKI SHOP

Objector

Objector: Heidi Lupo, Heidi's Ski Shop

I. PRELIMINARY STATEMENT

Heidi's Ski Shop objects to the proposed Pinecrest Basin Management Direction - Community Center Forest Plan Amendment and Special Use Permit No. 68965. The proposed decision is legally deficient and must be withdrawn. It uses a project-specific amendment to remove controlling land-use restrictions without a legally sufficient demonstration that the Forest Plan requires change, without a defined maximum operating scenario, and without analysis commensurate with the permanent land-use authority the amendment would create.

The agency is not deciding only whether the current applicant may conduct the currently described activities. It is changing the governing land-management framework for the site. That change survives the current operator, expands the range of uses that may later be proposed, and materially reduces the legal force of the existing plan direction. The Forest Service must evaluate the amendment according to the authority it confers, not according to nonbinding descriptions of present intent.

The April 2026 Environmental Assessment, as characterized in the prior comments, leaves material operational variables unresolved, including lodging form and capacity, shower and sanitation facilities, parking, hours, events, food and beverage service, and future visitor-serving uses. An undefined proposal cannot support a lawful effects analysis, a reasoned finding of no significant impact, or a defensible determination that the use is consistent with the Forest Plan and in the public interest.

The objection seeks a specific remedy: withdraw the proposed decision, deny the requested amendment and permit in their present form, retain the existing land-use designation, and evaluate any future proposal under the existing Forest Plan or through a new process based on a complete and bounded project description.

II. COMPLIANCE WITH 36 C.F.R. § 218.8

A. Objector and Project Identification

The objector is Heidi Lupo, acting for Heidi's Ski Shop. The project is the Pinecrest Basin Management Direction - Community Center Forest Plan Amendment and Special Use Permit No. 68965, proposed for the Stanislaus National Forest, Summit Ranger District. The responsible official and reviewing officer must be inserted in the caption before filing.

B. Prior Specific Written Comments

Heidi's Ski Shop submitted specific written comments concerning this project during the Forest Service's designated public-comment process. Those comments are attached as Exhibit A. This objection identifies the date, PDF page, subject, and applicability of the prior comments as required by 36 C.F.R. § 218.8(b)(4), (c), and (d)(6).

Prior Comment	PDF Page(s)	Subject Preserved	Objection Section
Heidi's Ski Shop comments dated [DATE]	1	Permanent plan change; future ownership; undefined commercial scope; communal lodging; infrastructure and public-safety effects	IV.A, IV.C, IV.E
Same	2	Transient lodging effects; law-enforcement and sanitation demands; community character; duplication of existing visitor services	IV.E, IV.H
Same	3	Permanent entitlements; congestion, parking, wastewater; dispersed recreation; existing-designation alternatives; agency sale representations	IV.B, IV.D, IV.F, IV.G, IV.I
Same	4	Requested reconsideration and supporting references	IV.J; V

The attachment is supplied for convenience and record clarity. Preservation rests on the specific connections stated in this objection, not on a generalized incorporation of Exhibit A.

III. CONTROLLING LEGAL REQUIREMENTS

A. Plan Amendment Requirements

A Forest Plan amendment must be based on a preliminary identification of the need to change the plan. 36 C.F.R. § 219.13(b)(1). The responsible official must determine which substantive requirements in 36 C.F.R. §§ 219.8 through 219.11 are directly related to the plan direction being changed and must apply those requirements within the scope and scale of the amendment. 36 C.F.R. § 219.13(b)(5). That determination must be based on the amendment's purpose and effects and informed by the best available scientific information, scoping, effects analysis, monitoring data, or other stated rationale. Id. § 219.13(b)(5)(i).

The amendment decision document must state the rationale for approval, explain the scope and scale of the amendment, identify the directly related substantive requirements, and explain how those requirements were applied. 36 C.F.R. § 219.14(a), (c).

B. Sustainability and Multiple-Use Requirements

The directly related requirements include social and economic sustainability, sustainable recreation, multiple uses contributing to local economies, appropriate placement and sustainable management of recreation infrastructure, land status and access patterns, and reasonably foreseeable risks to ecological, social, and economic sustainability. 36 C.F.R. §§ 219.8(b), 219.10(a)(3), (6), and (7).

C. Project Consistency

Every project and activity must be consistent with applicable Forest Plan components. 36 C.F.R. § 219.15(d). If a proposal is inconsistent, the responsible official must modify it, reject it, or lawfully amend the plan. Id. § 219.15(c). The availability of amendment authority does not eliminate the independent requirements governing why an amendment is needed, what requirements apply, and how the amendment's effects are analyzed.

D. Special-Use Screening and Permit Terms

A special-use proposal must be consistent with governing laws and the applicable Forest Plan, must not pose a serious or substantial public-health or safety risk, and must not unreasonably conflict with authorized uses or adjacent non-Federal lands. 36 C.F.R. § 251.54(e)(1). The authorized officer must reject a proposal that is inconsistent or incompatible with the purposes for which the lands are managed or with other uses, or that is not in the public interest. Id. § 251.54(e)(5).

Any authorization must contain terms necessary to protect the environment, other lawful users, lives and property, efficient management of the lands and adjacent areas, and the public interest. 36 C.F.R. § 251.56(a).

E. NEPA and Administrative Procedure Act

NEPA requires a systematic and interdisciplinary analysis of reasonably foreseeable environmental effects, reliable data, and a reasonable range of technically and economically feasible alternatives. 42 U.S.C. § 4332(2)(A)-(C), (E)-(H). An agency action that disregards controlling requirements, omits material factors, relies on an undefined proposal, or departs from prior agency positions without a reasoned explanation is vulnerable as arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A), (D).

IV. SPECIFIC OBJECTIONS

A. THE AMENDMENT LACKS A LEGALLY SUFFICIENT IDENTIFICATION OF NEED UNDER 36 C.F.R. § 219.13(b)(1)

The proposed amendment is applicant-driven. The record described in the prior comments does not establish new information, changed conditions, changed circumstances, monitoring results, or a management failure requiring alteration of the Forest Plan. It establishes only that the current operational concept does not fit the existing land-use direction. That is not, by itself, a need to change the plan.

The Forest Plan is the controlling land-management instrument. A project cannot create the legal need for its own approval merely because it is inconsistent with existing plan direction. Section 219.15(c) expressly permits the agency to modify or reject an inconsistent proposal. The agency must first identify a plan-level need for change independent of the applicant's preference. The proposed decision does not satisfy that requirement if its rationale is limited to enabling this project.

The deficiency is material. Treating project preference as plan need converts the amendment process into an exception mechanism and eliminates the limiting function of the Forest Plan. That result is inconsistent with 36 C.F.R. §§ 219.13 and 219.15.

Prior-comment connection: Exhibit A, PDF pages 1 and 3, addressing the permanent change in land-use authority, the applicant-specific operational model, and the availability of uses under the existing designation.

Required remedy: withdraw the amendment. Any renewed amendment process must identify a documented plan-level need based on changed conditions or new information and must explain why project modification or rejection is inadequate.

B. THE RESPONSIBLE OFFICIAL MUST IDENTIFY AND APPLY THE DIRECTLY RELATED SUBSTANTIVE REQUIREMENTS OF 36 C.F.R. §§ 219.8 AND 219.10

The amendment directly affects recreation use, recreation infrastructure, access, parking, local economic conditions, existing commercial services, and the intensity and location of visitor use. The substantive requirements in 36 C.F.R. §§ 219.8(b) and 219.10(a)(3), (6), and (7) are therefore directly related.

The decision must do more than state that these requirements were considered. It must identify them, apply them within the amendment's scope and scale, and explain the result. 36 C.F.R. §§ 219.13(b)(5) and 219.14(c). The analysis must address, at minimum:

- social and economic conditions within Pinecrest and the Upper Highway 108 corridor;
- sustainable recreation and the effect of additional concentrated visitor use;
- the placement and sustainable management of lodging, parking, sanitation, shower, and transportation infrastructure;
- existing land-use, ownership, access, and authorized-use patterns; and
- reasonably foreseeable risks to social and economic sustainability, including displacement of established visitor services and additional demands on limited public infrastructure.

An EA-level conclusion that effects are not significant does not eliminate these planning-rule duties. The amendment decision must contain the findings required by Part 219.

Prior-comment connection: Exhibit A, PDF pages 1-3, addressing the seasonal recreation economy, infrastructure limits, congestion, local services, sustainable recreation, and permanent commercial expansion.

Required remedy: withdraw or remand the decision for express application of all directly related substantive requirements.

C. THE PROPOSED ACTION IS NOT SUFFICIENTLY DEFINED TO SUPPORT NEPA REVIEW OR A LAWFUL PERMIT

The proposed action must be defined before its effects can be analyzed. The prior comments identify unresolved operational variables that control impact magnitude, including lodging

configuration and capacity, showers, sanitation, parking, hours, events, visitor services, food and beverage operations, and future commercial uses.

These are not implementation details. They determine water and wastewater demand, vehicle trips, parking demand, occupancy, noise, emergency-response needs, solid waste, law-enforcement demand, and compatibility with existing uses. An analysis based on an undefined or minimum-intensity scenario does not evaluate the authority actually created by the amendment.

The Forest Service cannot rely on the current applicant's informal intentions where the amendment and permit language authorize more. The environmental baseline must be compared against the maximum reasonably foreseeable use permitted by the decision. Any material use not analyzed must be excluded by enforceable decision language.

Prior-comment connection: Exhibit A, PDF pages 1-3, identifying bunk-style lodging, showers, expanded visitor services, parking, sanitation, and future operational intensification.

Required remedy: withdraw the decision. Before any renewed decision, define all authorized uses, maximum occupancy, operating seasons and hours, event limits, parking, sanitation, lodging, and accessory services.

D. THE FOREST SERVICE CANNOT AMEND THE PLAN SOLELY TO AVOID THE CONSISTENCY REQUIREMENT

The proposal is inconsistent with existing management direction; otherwise, the amendment would be unnecessary. Section 219.15 provides four options for resolving inconsistency. The agency selected amendment. That selection remains subject to Sections 219.13 and 219.14 and must be supported by a plan-level rationale.

A contemporaneous project-specific amendment is not self-justifying. The decision must explain why modification or rejection of the project is not the appropriate response and why permanently changing plan direction is necessary. Absent that explanation, the agency has used amendment authority to nullify the plan component that governs this site.

The defect is amplified because the new land-use flexibility may remain available after a transfer, new permit, change in management, or change in operating plan. The agency must analyze that continuing effect and cannot confine its rationale to the present applicant.

Prior-comment connection: Exhibit A, PDF pages 1 and 3, addressing permanent land-use flexibility, future ownership, and the Forest Service's prior position that the use would not change.

Required remedy: reject or modify the proposal to comply with the existing plan. Do not use a permanent amendment as a substitute for project compliance.

E. THE SPECIAL-USE PROPOSAL DOES NOT SATISFY THE SCREENING REQUIREMENTS OF 36 C.F.R. § 251.54

The special-use regulations require the authorized officer to reject a proposal that is inconsistent or incompatible with the purposes for which the lands are managed or with other uses, or that is

not in the public interest. 36 C.F.R. § 251.54(e)(5)(i)-(ii). The proposal also must not unreasonably conflict with existing authorized uses or adjacent non-Federal lands. Id. § 251.54(e)(1)(vi).

The prior comments identify direct compatibility conflicts: additional concentrated commercial use in a basin already subject to peak-season congestion; competition for parking and infrastructure; expansion of transient lodging; sanitation and emergency-service demands; and overlap with established lodging, food, campground, retail, and recreation services.

The agency cannot satisfy screening by amending away the plan conflict. Screening also requires an independent determination of compatibility with the management purpose, other uses, adjacent lands, public health and safety, and the public interest. The record must contain those findings based on the full proposed use.

Prior-comment connection: Exhibit A, PDF pages 1-3, addressing conflicts with existing uses, adjacent businesses, public services, infrastructure, and the recreation setting.

Required remedy: reject the special-use proposal under 36 C.F.R. § 251.54(e)(5), or reopen screening after the proposal is fully defined.

F. THE EFFECTS ANALYSIS DOES NOT ADDRESS THE FORESEEABLE OPERATING SCENARIO CREATED BY COMMUNAL OR BUNK-STYLE LODGING

The prior comments identify communal or bunk-style lodging as a contemplated or reasonably foreseeable use. The legal issue is not whether every transient lodging facility produces the same effects. The issue is whether the Forest Service analyzed the distinct effects of the lodging form it may authorize.

The relevant effects include occupancy turnover, overnight parking, sanitation, showers, wastewater, noise, emergency access, law-enforcement demand, supervision, and conflicts with family-oriented recreation. These effects are operationally distinct from a meeting hall or limited community facility. They must be addressed directly and quantitatively.

General statements that the site will provide community benefit do not substitute for analysis. If communal or bunk-style lodging is not part of the proposed action, the decision and permit must prohibit it. If it is part of the proposed action, the agency must disclose and analyze maximum beds, occupancy, turnover, parking, sanitation, staffing, security, and emergency procedures.

Prior-comment connection: Exhibit A, PDF pages 1-2, addressing bunk-style lodging, showers, transient occupancy, public safety, sanitation, and community character.

Required remedy: prohibit unreviewed lodging. Reopen environmental review before authorizing communal, bunk-style, hostel-style, or other overnight accommodations not specifically analyzed.

G. THE AGENCY HAS NOT ANALYZED A REASONABLE ALTERNATIVE THAT RETAINS THE EXISTING LAND-USE DESIGNATION

The prior comments identify a concrete alternative: retain the existing designation and authorize compatible public or community services within the current management framework. Potential uses include seasonal medical support, educational programming, childcare, emergency support, and other low-intensity community functions.

That alternative directly responds to the stated public-service rationale while avoiding permanent expansion of commercial authority. It is therefore not a remote or unrelated option. The agency must analyze it on equal terms rather than dismiss it because it does not implement the applicant's preferred business model.

NEPA requires a reasonable range of technically and economically feasible alternatives. 42 U.S.C. § 4332(2)(C)(iii), (F), and (H). The agency's purpose and need cannot be defined so narrowly that only the applicant's proposal qualifies.

Prior-comment connection: Exhibit A, PDF page 3, identifying specific community-serving uses that do not require amendment.

Required remedy: withdraw the proposed decision and analyze a no-amendment/community-use alternative.

H. THE ANALYSIS MUST ADDRESS EXISTING USES, LOCAL ECONOMIC EFFECTS, AND DUPLICATION OF VISITOR SERVICES

The proposed amendment changes the distribution of commercial activity within a small seasonal market. Existing businesses provide lodging, food, campgrounds, retail, and recreation services, employ local workers, maintain infrastructure, and bear taxes, fees, and regulatory costs. Those conditions are relevant to social and economic sustainability under 36 C.F.R. § 219.8(b) and to land-use and ownership patterns under 36 C.F.R. § 219.10(a)(6).

This objection does not claim immunity from competition. It challenges the agency's failure to determine whether a permanent expansion of federally authorized commercial capacity is necessary, compatible with the plan area's sustainable economic contribution, and supported by an identified public need not met by existing services.

The decision must analyze whether the proposed use duplicates existing capacity, shifts activity from established businesses, imposes uncompensated infrastructure demands, or creates operational advantages attributable to use of federal property. A generalized assertion of economic benefit is insufficient.

Prior-comment connection: Exhibit A, PDF pages 1-2, addressing the seasonal local economy and duplication of lodging, restaurants, campgrounds, retail, and recreation services.

Required remedy: prepare a documented socioeconomic analysis and apply 36 C.F.R. §§ 219.8(b) and 219.10(a).

I. THE FOREST SERVICE MUST EXPLAIN ITS DEPARTURE FROM PRIOR REPRESENTATIONS CONCERNING THE SITE

The prior comments state that records obtained through the Freedom of Information Act show the Forest Service represented, during the sale process, that it was not interested in changing the use of the building. The proposed amendment adopts the opposite position.

The agency must identify the prior position, determine whether prospective purchasers relied on it, and explain the factual and policy basis for the change. A silent reversal is not reasoned decision-making. If expanded commercial use was not available or represented as available during the sale, the agency must address whether the post-sale amendment altered the competitive conditions of the disposition process.

This objection does not ask the Reviewing Officer to adjudicate a separate contract or sale claim. It requires the agency to address record evidence bearing directly on the rationale, fairness, and consistency of the proposed amendment.

Prior-comment connection: Exhibit A, PDF page 3, addressing Forest Service statements during the sale and the effect those statements had on potential purchasers.

Required remedy: place the relevant sale and FOIA records in the planning record; explain the changed position; and withdraw the amendment unless the change is supported by a rational, documented basis.

J. PERMIT CONDITIONS CANNOT CURE AN INCOMPLETE PROJECT DESCRIPTION OR OMITTED ANALYSIS

Section 251.56 requires enforceable terms protecting the environment, adjacent lands, other lawful users, lives and property, and the public interest. Those terms are mandatory safeguards, not a substitute for environmental analysis.

The agency cannot approve broad authority and rely on later operating plans, informal assurances, annual approvals, or discretionary enforcement to define the project after the decision. Material restrictions must appear in the decision and authorization and must be analyzed before approval.

If the proposal proceeds, the authorization must state objective limits, including:

- permitted uses and prohibited uses;
- maximum daily and overnight occupancy;
- lodging type and bed count;
- operating season and hours;
- event frequency and attendance;
- parking capacity and prohibition of unmanaged overflow;
- water, wastewater, shower, restroom, and solid-waste capacity;
- food, beverage, alcohol, retail, and accessory-service limits;
- noise, security, emergency-response, and fire-access requirements;

- monitoring, reporting, inspection, and complaint procedures;
- automatic suspension for capacity or sanitation violations; and
- a prohibition on material changes without supplemental environmental review and renewed public participation.

Prior-comment connection: Exhibit A, PDF pages 1-3, addressing undefined future services, capacity, sanitation, parking, public safety, and future ownership.

Required remedy: withdraw the present decision. Any revised permit must contain all material limits at issuance and may authorize only uses analyzed in the environmental record.

K. THE PLANNING RECORD MUST DOCUMENT THE USE OF RELIABLE INFORMATION AND THE BASIS FOR MATERIAL CONCLUSIONS

The responsible official must use and document the best available scientific information for a plan amendment. 36 C.F.R. § 219.3. The planning record must contain the documents supporting analytical conclusions and alternatives considered. 36 C.F.R. § 219.14(d)(2).

The prior comments supplied references concerning transient lodging and trail-user safety. The Forest Service may determine that different information is more accurate, reliable, or relevant, but it must identify the information used, explain that determination, and explain how the information was applied. It may not ignore the issue or dismiss cited material without analysis while making unsupported conclusions concerning public safety or operational effects.

Prior-comment connection: Exhibit A, PDF pages 2 and 4, including the referenced materials and public-safety concerns.

Required remedy: complete the planning record and provide the documentation required by 36 C.F.R. §§ 219.3 and 219.14 before any amendment decision.

V. PREJUDICE

The identified errors are prejudicial. They affect the threshold decision to amend the Forest Plan, the definition of the proposed action, the range of alternatives, the scope of effects analysis, special-use screening, permit limitations, and the determination that the proposal serves the public interest. Correct application of the governing requirements could result in rejection of the proposal, retention of the existing designation, selection of a lower-intensity alternative, preparation of additional environmental analysis, or materially narrower authorization.

VI. REQUESTED RELIEF

The Reviewing Officer should sustain this objection and direct the Responsible Official to take the following actions:

1. Withdraw the proposed decision, Forest Plan amendment, and Special Use Permit No. 68965 in their present form.
2. Retain the existing Forest Plan direction and land-use designation applicable to the site.

3. Reject or modify the project to achieve consistency with the existing Forest Plan under 36 C.F.R. § 219.15(c)(1)-(2).
4. If an amendment is reconsidered, issue a new preliminary identification of need supported by changed conditions, new information, monitoring, or another plan-level basis independent of the applicant's preference.
5. Identify and apply all directly related substantive requirements under 36 C.F.R. §§ 219.8 through 219.11, including the requirements concerning social and economic sustainability, sustainable recreation, infrastructure placement, land-use patterns, and foreseeable risks.
6. Define the maximum authorized operating scenario, including lodging, occupancy, hours, events, parking, water, wastewater, sanitation, food and beverage service, retail, and accessory uses.
7. Prepare supplemental environmental analysis addressing the fully defined proposal and its reasonably foreseeable effects under peak-season conditions.
8. Analyze a no-amendment alternative that permits compatible community-serving uses under the existing designation.
9. Reconduct special-use screening under 36 C.F.R. § 251.54 based on the complete proposal and documented effects.
10. Place the relevant sale, FOIA, planning, and scientific records in the administrative record and provide a reasoned explanation for any departure from prior agency representations.
11. Provide a new public-comment and objection opportunity before approving any materially revised proposal.

VII. REQUEST FOR OBJECTION-RESOLUTION MEETING

Heidi's Ski Shop requests an objection-resolution meeting under 36 C.F.R. § 218.11. The meeting should address withdrawal of the amendment, retention of existing plan direction, the no-amendment alternative, the scope of authorized uses, and the agency's prior representations concerning the property.

VIII. CONCLUSION

The proposed decision changes controlling Forest Plan direction to accommodate a project that does not conform to the existing plan. The record described in the prior comments does not establish a plan-level need for that change, does not define the maximum authorized use, and does not demonstrate compliance with the planning, special-use, and environmental-review requirements governing the decision.

The reviewing officer should sustain the objection. The Forest Service must withdraw the proposed decision and may not issue Special Use Permit No. 68965 under the present amendment and analysis.

DATED: July 24, 2026

Heidi Lupo

For Heidi's Ski Shop

EXHIBIT LIST

EXHIBIT A - PRIOR HEIDI'S SKI SHOP COMMENTS

Heidi's Ski Shop formal comments concerning the April 2026 Environmental Assessment for the Pinecrest Basin Management Direction - Community Center Forest Plan Amendment and Special Use Permit No. 68965, dated [INSERT DATE].

The objection identifies the applicable prior comments by PDF page, subject matter, and relationship to each objection issue pursuant to 36 C.F.R. § 218.8(b)(4), (c), and (d)(6). A complete copy should be attached to the filed objection.

AUTHORITIES CITED

- 5 U.S.C. § 706(2)(A), (D) - Administrative Procedure Act standard of review.
- 42 U.S.C. § 4332(2) - National Environmental Policy Act agency duties, effects analysis, reliable information, and alternatives.
- 36 C.F.R. § 218.8 - Content, preservation, and filing requirements for objections.
- 36 C.F.R. § 218.11 - Objection-resolution meetings.
- 36 C.F.R. § 219.3 - Use and documentation of best available scientific information.
- 36 C.F.R. § 219.8(b) - Social and economic sustainability and sustainable recreation.
- 36 C.F.R. § 219.10(a) - Integrated resource management, infrastructure, land-use patterns, and foreseeable risks.
- 36 C.F.R. § 219.13 - Plan amendment requirements.
- 36 C.F.R. § 219.14 - Amendment decision document and planning record.
- 36 C.F.R. § 219.15 - Project and activity consistency with the Forest Plan.
- 36 C.F.R. § 251.54 - Special-use proposal screening and rejection criteria.
- 36 C.F.R. § 251.56 - Mandatory terms and conditions for special-use authorizations.

I am writing to express concern regarding the proposed Pinecrest Basin Management Direction – Community Center: Forest Plan Amendment and Special Use Permit 68965.

Pursuant to 36 CFR Part 218, I submit 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.

As a lifelong resident, business owner, special-use permit holder, and property owner within Tuolumne County and the Upper Highway 108 corridor, I have witnessed firsthand both the importance and fragility of the local recreation economy. Communities such as Pinecrest, Cold Springs, Long Barn, and the surrounding mountain corridor have long depended upon a careful balance between tourism, environmental stewardship, seasonal recreation, and sustainable private investment.

Maintaining that balance has never been easy. Businesses in this region operate under highly seasonal conditions, workforce shortages, limited infrastructure, rising operational costs, and increasingly unpredictable economic pressures. Decisions affecting the Basin therefore carry long-term consequences not only for visitors, but also for the residents, workers, families, and business owners who help sustain these communities year after year.

My concern extends beyond the current applicant or operational proposal. Because this action involves a permanent amendment to Forest Plan direction, it establishes future land-use flexibility that may continue long after changes in current ownership or operational structure. Once this management “box” is opened through amendment, it may be very difficult to limit future operational intensity or uses associated with the site.

The proposal also remains unclear regarding the full scope and scale of future services that could ultimately be authorized under the requested amendment. Community discussions regarding the property have included references to bunk-style lodging accommodations, shower facilities, and other expanded visitor-serving operations. If implemented, these uses would represent a substantial departure from the site's historic function and move toward a more communal or hostel-style lodging model within the Basin.

The introduction or expansion of communal-style lodging facilities within small rural recreation communities may create additional public safety, infrastructure, and community character concerns that extend beyond the facility itself. Shared lodging environments and high-turnover transient accommodations can increase demands on limited infrastructure systems, parking, emergency response capacity, and law enforcement resources within already constrained rural recreation areas.

Research and documented experience associated with transient lodging environments, hostels, shared sleeping accommodations, and long-distance trail culture demonstrate recurring concerns related to sexual harassment, sexual assault, theft, intoxication, substance abuse, nuisance activity, and other forms of criminal or disorderly behavior. Studies addressing transient lodging environments have repeatedly identified such facilities as disproportionate generators of police calls, disturbances, narcotics activity, robbery, assault, vandalism, and sexual offenses. The Arizona State University Center for Problem-Oriented Policing specifically found that “problem motels are frequently hot spots for both nuisance activity and more serious incidents, such as robbery and sexual assault,” while also noting that such facilities can consume “inordinate levels of police resources” and inhibit surrounding economic redevelopment.

The Pacific Crest Trail Association itself has publicly acknowledged safety concerns associated with transient trail culture and communal accommodations, warning that long-distance hikers routinely place trust in strangers for “rides into town, places to sleep, food, and more,” while recognizing that “sexual harassment and sexual assault are crimes.” The PCTA further encourages reporting of suspicious or illegal activity because seemingly isolated incidents may in fact be connected patterns of behavior.

Available Pacific Crest Trail survey data also demonstrates a substantial prevalence of harassment and unsafe interactions associated with trail culture and related overnight accommodations. The 2025 Pacific Crest Trail Hiker Survey, published by Halfway Anywhere, reported that approximately 51.6% of female respondents experienced sexism or sexual harassment during their hiking experience. Similar findings were documented in prior years.

Importantly, these impacts are not limited solely to criminal activity. Concentrated communal lodging may alter the overall character of a recreation area by increasing transient occupancy, reducing compatibility with family-oriented recreation uses, increasing noise and behavioral conflicts, creating sanitation and parking pressures, and shifting the economic structure of small tourism-based communities toward high-turnover, low-cost transient lodging models.

These concerns become more significant in areas where substantial visitor-serving infrastructure already exists on surrounding private lands, including established lodging, restaurants, campgrounds, retail operations, and recreation services. There is also concern that expanding communal lodging opportunities within the Basin may unnecessarily duplicate services already being provided by existing tax-paying businesses operating under difficult seasonal conditions.

Moreover, because this proposal involves a Forest Plan Amendment rather than a narrowly tailored or temporary authorization, any expanded lodging allowances or

commercial entitlements established through the amendment could remain in place regardless of future ownership or operational changes associated with the property. As a result, future uses could evolve substantially beyond the concepts currently described, creating long-term operational intensities and cumulative impacts that may not be fully analyzed under the present proposal

This proposal also appears inconsistent with broader concepts of dispersed recreation management that have historically guided recreation planning within National Forest lands. The Pinecrest Basin already experiences congestion, parking shortages, traffic circulation issues, and infrastructure limitations during peak periods, including wastewater and sewer capacity concerns. Expanding commercial intensity within the Basin appears inconsistent with dispersed recreation principles, which seek to distribute recreation opportunities across broader areas of the forest while reducing concentrated impacts on individual communities and infrastructure systems.

There also appear to be numerous beneficial, community-oriented uses that could occur within the existing zoning and use framework without permanently expanding commercial entitlements in the Basin. Services such as seasonal medical support, urgent care, educational programming, childcare, dog daycare, or other low-impact community services could provide meaningful benefits while remaining more consistent with the site's historic purpose and infrastructure limitations. The existing land use designation already allows the building to continue serving meaningful public and community-oriented functions without requiring a permanent Forest Plan amendment or expanded commercial rezoning. The structure can be repurposed, improved, and utilized in ways consistent with its existing zoning and historic management intent while still providing public benefit and supporting recreation-related needs within the Basin. A desire to pursue a particular operational vision, business model, or “passion project” should not, by itself, justify rewriting long-standing land management direction developed through broader public planning processes. Forest Plans are intended to provide durable, long-term guidance for public land stewardship—not flexible mechanisms that are repeatedly modified to accommodate individualized preferences or site-specific ambitions. This proposal is particularly concerning because the amendment would not be limited to the current applicant or current operational concept. Once approved, the revised land use framework and expanded commercial flexibility transfer with the property and would remain available to any future owner or operator. As a result, the agency is not merely evaluating the present proposal but establishing a precedent-setting authorization that could enable materially different and more intensive uses in the future, without the benefit of the current representations or limitations now relied upon to justify the amendment. Had the Forest wished to change the use of this building, they should have done so when the building was for sale, as numerous entities and businesses would have pursued it further. The Forest was clear in stating that it was not interested in changing the use, as evidenced by records obtained through FOIA requests.

For these reasons, I respectfully encourage the Forest Service to carefully reevaluate the proposal and further consider the economic, infrastructure, recreation management, and long-term land use implications associated with the requested Forest Plan Amendment before moving forward.

Regards,

Heidi Lupo
Heidi's Ski Shop

References

1. Arizona State University Center for Problem-Oriented Policing, Disorder at Budget Motels:
<https://popcenter.asu.edu/sites/g/files/litvpz3631/files/problems/PDFs/BudgetMotels.pdf>
2. Pacific Crest Trail Association, Sexual Harassment & Similar Crimes Safety Guidance:
<https://www.pcta.org/discover-the-trail/backcountry-basics/safety-tips/sexual-harassment-similar-crimes/>
3. Pacific Crest Trail Association, Safety Tips:
<https://www.pcta.org/discover-the-trail/backcountry-basics/safety-tips/>
4. Halfway Anywhere, 2025 Pacific Crest Trail Hiker Survey – Discrimination and Harassment Findings:
<https://www.halfwayanywhere.com/trails/pacific-crest-trail/pct-discrimination-2025/>
5. Halfway Anywhere, 2023 Pacific Crest Trail Hiker Survey – Discrimination Findings:
<https://www.halfwayanywhere.com/trails/pacific-crest-trail/pct-discrimination-2023/>