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First name: Marily

Last name: Reese

Organization: National Forest Recreation Association

Title: Executive Director

Comments: Please see the attached Objections being filed on behalf of the National Forest Recreation Association via the link <https://cara.fs2c.usda.gov/Public/CommentInput?project=68965>.

NATIONAL FOREST RECREATION ASSOCIATION

Responsible Recreational Use of America's Public Lands and Waters

August 4, 2026

Submitted online: <https://cara.fs2c.usda.gov/Public/CommentInput?project=68965>

Jacqueline Buchanan, Regional Forester

Reviewing Officer

19777 Greenley Road

Sonora, CA 95370

Attn: Pinecrest Community Center

Re: Objections pursuant to 36 CFR 218

Pinecrest Basin Management Direction- Community Center Proposal

Dear Ms. Buchanan:

The National Forest Recreation Area (NFRA) hereby submits objections in response to the proposed Pinecrest Basin Management Direction- Community Center proposal, Environmental Assessment and draft 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 detrimental to outdoor recreation companies and is therefore 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.

(1) Objector's name and address, with a telephone number, if available

National Forest Recreation Association

Marily Reese, Executive Director

P.O. Box 488

Woodlake, CA 93286

(559) 737-8773

(2) Signature or other verification of authorship upon request

Please see below.

P.O. Box 488 ~ Woodlake, California 93286 ~ Phone (559) 769-8333

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(3) When multiple names are listed on an objection, identification of the lead objector

N/A

(4) Project name, Responsible Official name and title, and name of affected National Forest

Pinecrest Basin Management Direction - Community Center: Forest Plan Amendment
and Special Use Permit (#68965)
Jason Kuiken, Forest Supervisor
Stanislaus National Forest

(5) A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or FONSI specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider

This matter involves the Pinecrest Community Lodge structure.

The Pinecrest Community Lodge is located on the Stanislaus National Forest near Pinecrest Lake.

Pinecrest Basin Management Direction- Community Center: Forest Plan Amendment and Special Use Permit (#68965): Environmental Assessment and Finding of No Significant Impact at 1 (PDF page 6) (hereinafter EA/FONSI").
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The Pinecrest Community Lodge is not owned by the US Forest Service. EA/FONSI at 2 (PDF page 4)("The Pinecrest Community Lodge is an existing privately owned building on National Forest Land").

Prior to 2024, the Pinecrest Community Lodge was owned by Tuolumne County.

Tuolumne County operated the Pinecrest Community Lodge as a non-profit community

center pursuant to a Special Use Permit issued to Tuolumne County. See Response to Comments, Issues #1, 2.

The Special Use Permit held by Tuolumne County was subject to Use Code 362. EA/FONSI at 2 (PDF page 4).

As the deciding officer has acknowledged, Use Code 362 was not appropriate for a private individual. EA/FONSI at 2 (PDF page 4)("The underlying authority (PERMITS FOR PUBLIC BLDG AND OTHER PUBLIC WORKS September 3, 1954) and-use code ('362-Service Station') combination for the County's permit is not appropriate for a private individual, regardless of whether commercial use is occurring").

In or around 2023, Tuolumne County offered the Pinecrest Community Lodge for sale.

Existing Forest Service permittees which operated facilities in the immediate area, including a member of NFRA, were interested in purchasing the Pinecrest Community Lodge if it could be used for commercial operations. See EA/FONSI at 23 (PDF page 29).

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.

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(Emphasis added.)

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In its Response to Comments (Issue #10), the Stanislaus National Forest stated:

We understand that some commenters feel existing businesses "already meet all demand" and that allowing the Community Center to continue operating creates unfair competition. However, the Forest Service's responsibility under law and NEPA is to manage National Forest System lands in a way that meets public needs and provides fair, transparent opportunities for visitor services-not to preserve or protect market advantages for any individual operator or family.

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Those permittees contacted the Forest Service to find out if they would be allowed to conduct commercial operations out of the Pinecrest Community Lodge.

The Forest Service stated that no commercial operations would be allowed at Pinecrest Community Lodge. Response to Comments (Issue #16)("The Forest Service acknowledges that past prospective buyers were informed that the property was zoned under Management Zone 6, which does not authorize commercial visitor services, and that no change in zoning was under consideration at that time. Those statements

accurately reflected the Forest Plan direction and the absence of any active proposal or administrative need to consider a zoning change during earlier inquiries").

In 2024, Tuolumne County sold the Pinecrest Community Lodge structure to a private individual. EA/FONSI at 2 (PDF page 4).

That individual was aware that they would be violating the law if they conducted commercial operations out of the Pinecrest Community Lodge.

That individual nonetheless conducted commercial operations out of the Pinecrest Community Lodge in violation of law. Response to Comments (Issue #13 ("The Forest Service acknowledges public concern that the current operator conducted certain activities that were not fully aligned with the former zoning designation").

The EA/FONSI admits that the proposed new permittee has been violating the law by operating a commercial operation at Pinecrest Community Lodge, stating:

The Pinecrest Community Center (referenced as Community Center or Center) currently operates as a coffee shop, event space, and lodging under the Pinecrest Basin Management Area (referenced as Pinecrest Basin or Basin), Management Zone 6 (Administrative/Utilities Infrastructure), which does not explicitly allow commercial activity.

EA/FONSI at 1 (PDF page 3).

Rather than take legal action against the new owner of the Pinecrest Community Lodge based on their deliberate violation of federal laws and regulations, the Stanislaus National Forest instead proposed to change the land use designation for the Pinecrest Community Lodge so that the new designation would allow the new owner of the Pinecrest Community Lodge to continue to operate their commercial operations. This action is not consistent with the Stanislaus National Forest's insistence that "[t]he proposed action does not retroactively approve or excuse any past non-compliance." Response to Comments (Issue # 13).

(Emphasis added.) However, the underlined statement above contradicts the explicit Forest Service policy to provide existing permittees, which have made significant investments in their operations, the ability to expand to meet any increased public demands. FSM 2343.03(2).

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While the Stanislaus National Forest admits that it told the existing private businesses which held permits in the area and were interested in purchasing the Pinecrest Community Center that it would not allow commercial operations at the Pinecrest Community Center, it then explains that it changed the Forest Plan to allow commercial operations at the facility because a private business had gone ahead with the very commercial operations the Stanislaus National Forest had prohibited. Response to Comments (Issue #16).

Even though the purchaser of the Pinecrest Community Lodge was fully aware that the facility had been a public facility and no commercial operations were authorized, the Stanislaus National Forest cited to this awareness as justification to change the Forest Plan to allow the commercial operations the new purchaser was fully aware were not authorized rather than justification to prohibit the commercial operations. Response to Comments (Issue #13)("The prior authorization was issued to Tuolumne County under an outdated permit type intended for public facilities, and it does not provide a suitable framework for regulating a privately owned operation").

As the Stanislaus National Forest admits, the leading purpose of the proposed action was to "Correct a Non-Conforming Use." EA/FONSI at 1 (PDF page 3).

NFRA submitted comments on May 15, 2026 opposing the Stanislaus National Forest's proposal.

In those comments, NFRA stated:

[T]he 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.

In those comments, NFRA further stated:

[T]he 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 Jacqueline Buchanan
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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").

Suggested remedy: The Stanislaus National Forest is proposing to authorize both commercial and non-commercial activities at the Pinecrest Community Center. See EA/FONSI at 1-2 (PDF pages 7-8). An appropriate remedy would be not to amend the Forest Plan to authorize commercial operations at the Pinecrest Community

Center and instead only authorize continued community service activities, such as allowing the facility to be used by Mountain High School, to host community programs, classes, meetings and events. EA/FONSI at 2 (PDF page 8). Allowing commercial operations at the facility not only rewards the illegal activity of the current owner, it harms the nearby permittees. Implementing this remedy would restore the trust and confidence of Forest Service permittees in the agency.

(6) A statement that demonstrates the connection between prior specific written comments and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

The contents of the objection are either the same as or directly flow from the contents of NFRA's written comments which addressed the harm caused to the existing permittees by the Stanislaus National Forest's improper actions.

Respectfully submitted,
Marilyn Reese
Marilyn Reese
Executive Director
National Forest Recreation Association

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