



Joe Hovel for  
Northwood Alliance  
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715 479-8528

October 30, 2009

USDA Forest Service  
Eastern Region  
Gaslight Building,  
Suite 700  
626 East Wisconsin Avenue  
Milwaukee, WI 53202-4616

Attn: Appeal Deciding Officer, Kent Connaughton

Dear Mr. Connaughton:

Notice of Appeal

Decision Notice and Finding of No Significant Impact Ottawa National Forest (DN/FONSI) Off-Highway Vehicle Connector Routes Project

1. This notice of appeal is submitted pursuant to 36 C.F.R. S. 215. The decision appealed is documented in a Decision Notice, signed on September 9, 2009 for Decision Notice and finding of No Significant Impact of Off-Highway Vehicle Connector Routes Project. The legal notice for the DN and FONSI was published September 23, 2009 in the Ironwood Daily Globe. The project area is the Ottawa National Forest, in the Upper Peninsula of Michigan.
2. The DN and FONSI was signed by Susan J. Spear, Forest Supervisor of the Ottawa National Forest.
3. The selected action includes the marking, mapping and opening to the public of various forest trails and roads to off highway vehicles (OHVs).
4. This appeal is made by an individual in his own right and as a representative of the following organization, exactly the same manner their comments were previously filed to gain them right of appeal.
5. Appellant Northwood Alliance is a grassroots coalition of individuals and organizations with an interest in the health and well being of forests in the north woods and the Upper Peninsula. Northwood Alliance maintains an office at 6063 Baker Lake Road, Conover WI, 54519. Northwood Alliance has members that use and enjoy the Ottawa National Forest and will be harmed by the damage inflicted by OHVs using these trails.
6. Appellant Joe Hovel is an individual with an interest in protection of national forests. He is a member of the Northwood Alliance and resides at 6063 Baker Lake Road, Conover, WI 54519. He uses and enjoys the national forest.

7. Respondent Susan J. Spear in her official capacity as an officer of the U.S. Forest Service, is Forest Supervisor of the Ottawa National Forest. Susan Spear maintains an office at E6248 US-2, Ironwood, MI 49338. Forest Supervisor Spear signed the DN and FONSI and is responsible for the authorization and implementation of the challenged order.

8. Respondent Ottawa National Forest is a sub unit of the U.S. Forest Service and maintains an office at E6248 US 2, Ironwood, MI 49338, in the State of Michigan. The Ottawa National Forest Erred in Issuing the Decision Notice and Finding of No Significant Impact and should conduct an EIS.

9. Appellants incorporate by reference all information containing in paragraphs 1-8 above of this appeal.

10. Forest Supervisor Spear issued a Decision Notice and Finding of No Significant Impact under 36 C.F.R. S 251 and ignored comments by appellants to review this project by preparing a draft Environmental Impact Statement (EIS). An EIS has never been conducted for any local OHV community connector trails and routes in the Ottawa National Forest.

11. The Environmental Assessment (EA) that Supervisor Spear relied on and ignored in her determination reports the likely impact of significant adverse impacts on several animal and bird species by creation and use of these OHV trails in the Ottawa National Forest. (at EA, pages 39-41. This alone should require a full EIS.

12. The Forest Management Plan (FMP) of the Ottawa National Forest contains no provisions for these local community connector OHV routes, therefore this decision violates the FMP. We originally commented on this issue and believe an inadequate response was provided. It is illogical to state that local connector routes are allowed simply because Alternative 3-Modified "does not preclude consideration of local connector routes." The FMP Final EIS (page 2-11) makes no mention of any connectors beyond the two North/South routes. Further, Page 3-197 specifically states "The new designated north/south connectors would provide approximately 25-75 miles of access and would give OHV users opportunities and improved access to essential services and recreational destination points (gas, food, and lodging)." The intent is clear. If it was anticipated that local connector routes were to be included, then they should have been included in Alternative 3-Modified.

13. We believe the response given to the issue raised by us (16b), page F-11 of the decision, was inadequate and fails to consider the possibility that some OHV users will fail to stay on designated trails, even though the FEIS states (page 3-203) "In all alternatives, uses would clearly be defined; however it is likely that there could be illegal uses under all alternatives." Unauthorized use of OHVs and lack of enforcement on public lands continues to be a problem across the country and remain a management concern here in the Ottawa. This risk must be addressed and fully evaluated in the decision, not merely "brushed off" as it was in the decision.

14. Northwoods Alliance Incorporated through it's acting director, Joe Hovel, strongly disagrees with the analysis provided in the decision when addressing our concern regarding OHV access within Management Area 6.1. Our members value the remote characteristics of the Ottawa.

Although there is currently a road through this area, it is lightly traveled. Adding OHV access would significantly impact the area's setting, opportunities and experiences by those who enjoy solitude, just through the increased noise and dust from OHV use. OHV use and the resulting impact to wildlife and natural resources were never analyzed in the Forest Plan when this MA 6.1 area was designated. As OHV use is a growing activity, allowing OHV use within a portion of MA 6.1 is a significant change and precedent setting action, which should require a Forest Plan Amendment, not the "non significant amendment displayed as appendix D of the Decision.

15. On September 16, 2009, the Watersmeet Township Board granted Lac Vieux Desert a south access OHV route Trail Way Construction Permit and Agreement in addition to extending the use of the temporary trail until the permanent trail is established. This trail combined with the fact that all county roads are open to OHV use provides a local community connector route to the casino. Therefore, the Watersmeet Local Connector, Route F, using Forest Roads 5081 and 6110, is not necessary.

16. There is considerable controversy nation wide about the increased use of motorized vehicles, including OHVs, in National Forests. There are voluminous writings and reports on this controversy (see links on the last page of this document). Supervisor Spear finds at paragraph 4 of page 18 of the appealed Decision Notice that "that I have determined that the effects as disclosed in the March 2009 EA and supporting documentation in the project File are not likely to be highly controversial." This is facially wrong and an improper basis for decision making in this context.

17. Each increase in use by motorized vehicles in National Forests is precedent for further increases in such use in other National Forests. Specifically, on page 19, paragraph 6, Supervisor Spear found that "the selection actions do not establish a precedent for future projects that may be implemented to meet the goals and objectives of the Forest Plan". This also is facially wrong and an improper basis for decision making.

18. This action has a detrimental effect on endangered, threatened or recovering species, including the gray wolf and potentially the Kirtland's warbler and the Lynx. Supervisor Spear states at paragraph 9, page 20 that "My decision will not adversely affect any proposed, endangered or threatened species or its habitat". No EIS has been done, so Supervisor Spear has no basis for this statement. The EA (at page 41) on which she relies, states that there is an impact on the gray wolf and that it does not know of any impact on the Kirtland's warbler. While the EA states that there is no known (emphasis added) Lynx population, none the less, reports of Lynx sightings are not unheard of, and this is suitable habitat for a natural return of the Lynx from Canada. She also implicitly concedes that she does not know - and cannot know without a full EIS.

19. Contrary to CFR 219.35, the best available science has not been considered in making this Decision Notice, contrary to Supervisor Spear's statement "As required by 36 CFR 219.35, I have considered the best available science in making this decision." By both not ordering and considering a full EIS and by not consulting and referring to an extensive body of research on OHV use in wild areas, she cannot have considered the best available science in making her decision.

20. We ask that this decision be remanded in full. We believe the increased motorized access as outlined in the final decision for OHV

Connector Routes will have a negative effect on the ability of non-motorized users to find solitude within the Ottawa. The possibility of local connector routes was not analyzed as part of Alternative 3 modified. The negative effects on the remote character of the Ottawa will be far greater than the effects analyzed in the Forest Plan FEIS. We believe an EIS is required to fully and thoroughly analyze the environmental effects from such an action, followed by a Forest Plan Amendment.

Sincerely,

*Joe Hovel*

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**Articles referenced from paragraph 16**

[http://www.stignaceneews.com/news/2009-05-28/Front\\_Page/Forest\\_Service\\_Wants\\_ATV\\_Riders\\_To\\_Stay\\_on\\_Roads.html](http://www.stignaceneews.com/news/2009-05-28/Front_Page/Forest_Service_Wants_ATV_Riders_To_Stay_on_Roads.html)

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