

From: Steve Platt <splatt4570@gmail.com>
Sent: Monday, November 28, 2022 2:54 PM
To: Bushnell, Katherine -FS
Cc: Gary Ingman; Gayle Joslin; Rod Bullis; Rod Bullis; Doug Powell; Steve McEvoy; Charles McCarthy; James Chrichton; Bill Orsello; Camie Westfall; Michael Korn; Dennis Milburn; Fedele, Anthony -FS
Subject: Re: Response to HHAA Official Public Complaint

Hi Kathy,

I'm glad to hear that you were able to meet and discuss the ongoing illegal trail construction and maintenance in the Black Mountain/Lazyman IRA with Officer Fedele.

When available, please provide HHAA with a copy of the letter that goes out to adjacent landowners.

We appreciate your efforts to keep HHAA updated on developments concerning these illegal trails.

Best,

Steve

On Nov 23, 2022, at 12:16 PM, Bushnell, Katherine -FS <katherine.bushnell@usda.gov> wrote:

Hello HHAA members – I want to first say thank you for your work and time spent inventorying, mapping, and compiling the data of the unauthorized trails/trail clearing happening in a portion of the Lazyman Gulch Inventoried Roadless Area (IRA). I received your initial report via email on October 17, 2022, and I want to formally acknowledge that I received the official public complaint that you hand-delivered to me on November 4th at our in-person meeting to discuss your original report. I provided the second copy of the official public complaint to Law Enforcement Officer Tony Fedele on Wednesday, November 16th when he and I met to discuss this situation. Below is a brief summary of my conversation with Officer Fedele; I have cc'd him here so he can clarify or correct anything from our meeting.

I heard and understand your collective/individual experiences with this situation, which span over several years; I cannot speak to any of that because I was not involved, but I do want to acknowledge it since I anticipate some skepticism regarding our plan in addressing this now and into the future. One important thing I see helping bolster success now is HHAA's commitment to be a volunteer partner in some of the activities the District plans to do, especially as it relates to inventorying, monitoring, and helping educate recreationalists and members of the public.

On November 16th Law Enforcement Officer (LEO) Fedele and I met to discuss the unauthorized trail situation in the Lazyman Gulch area, at which point I delivered HHAA's formal public complaint to him, as well. At that meeting we discussed:

- Existing situation as reported in HHAA's October 17th condition report;
- Our District's next steps/action item list; and,
- Feasible/Possible next steps for enforcement actions.

Regular law enforcement presence is not feasible on all unauthorized trails, and it's that presence that is needed in order to gain the evidence required to prove illegal activity of constructing, placing, or maintaining any kind of trail. Officer Fedele also described the current workload that each LEO has to handle—both field and administrative work. These are some of the challenges that Officer Fedele laid out, but he also said that that doesn't mean he (or someone in law enforcement) cannot take some initial steps toward addressing this situation. It's important to note that investigations, ongoing cases, and lawsuits all are prioritized within law enforcement which is a separate prioritization process outside of the District and Forest. Moving forward in actions we – the District and law enforcement – will work very closely should anything lead to a formal investigation or enforcement actions, and we do have various activities that we will do separately as well.

As far as next steps, law enforcement will provide specific input to a letter the District will send to adjacent landowners that will include: the CFR, possible fines, etc.; notification that the area will be monitored through Forest Service staff and law enforcement site visits; and contact information should they have any information to report to the District or law enforcement. As already stated, law enforcement will coordinate with the District to do various site monitoring visits this winter, which is needed before initiation of any potential formal investigation(s). The District and law enforcement will schedule a spring (early field season) on-the-trail site visit based on the inventory work that HHAA members provided in the report; any HHAA member is invited to that spring site visit (date TBD). Lastly, I mentioned to Officer Fedele that certain HHAA members are still interested in a meeting with law enforcement and he said that he would be willing to meet as is feasible to schedule, since there are some LEOs on leave or light duty, which increases the need for Tony to do regular patrols and other specific field patrols—so that means a meeting may not occur until January, depending on schedules and LEO assignments.

In HHAA's official public complaint, the group specifically requested the following three things: "1) formally investigate this illegal activity; 2) issue a citation or citations to those responsible for the illegal activity; 3) establish monetary restitution; and reclaim the damage to vegetation and soils in the affected area."

My response to those requests are as follows:

1. law enforcement will not be launching an investigation at this time; however there are plans to monitor and patrol the area this winter and do an official site visit this spring/early field season;
2. issuance of citations can be issued upon gaining the necessary and proper evidence and proof of the illegal activity outlined in 36 CFR 261.10 (a);
3. monetary restitution is defined within the CFR and is established through the legal process, not an administrative process of issuing citations; and the reclamation work related to the unauthorized trails is specific for the District to address, and I provided our next steps in our 'action item list' in a separate email.

As always, you can contact me via email or phone (contact information is below) with questions, concerns, or follow-up requests. I will be out of the office on Friday, but will return next week.

Thank you,
Kathy

<image001.png> **Kathy Bushnell**
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