July 11, 2022

USDA – Forest Service, Rochester Ranger District
c/o Phil MacAskill, District Recreation Program Manager
99 Ranger Road
Rochester, VT 05767

Dear District Recreation Program Manager MacAskill,

Vermonters for a Clean Environment (VCE) appreciates the opportunity to provide comments on behalf of our members in response to the proposal to construct a new lodging facility at Silver Lake. Vermonters for a Clean Environment, Inc. is a 501(c)3 nonprofit.¹

The Green Mountain National Forest has received and is actively pursuing a joint proposal from Vermont Huts Association and Moosalamoo Association to amend their Chittenden Brook Hut Special Use Permit. The aim of the proposal is to enable construction of a new lodging facility at Silver Lake for the purpose of unifying individual trails within a network of accommodations. Chittenden Brook Hut is located in an under-utilized area more than 15 miles away from the proposed new lodging facility at Silver Lake, which itself is located in an over-utilized area of the National Forest. The Chittenden Brook Hut area is also under a different management regime from the proposed Silver Lake construction site.

The Silver Lake construction proposal avoids the public process associated with an Environmental Assessment (EA) by presenting the new construction as an amendment to the permit for the Chittenden Brook Hut which did go through an EA as part of the Rochester Integrated Resource Plan. The USFS/GMNF’s scoping period document proposes to review the project as Categorically Excluded from an EA, and has failed to identify any of the extraordinary circumstances that would require an EA. In addition, several other changes to the Silver Lake area are in the GMNF’s schedule of proposed actions, each listed individually as Categorically Excluded.

The proposed new development at Silver Lake threatens the character of the area that is loved by the very many people who are voicing opposition both to construction at this site and to the inequitable proposal that management of the new facility is to be handled exclusively by Vermont Huts Association through their reservation service. This proposal would give Association members a week’s advance booking plus a discount before reservations are available to the general public.

¹ VCE’s mission is to advocate for the wellbeing of all Vermonters, striving for the protection of the natural world: land, air, water, wildlife, people, and especially the web of life. We unite to pursue the common goals of encouraging economic development with minimal environmental impacts and preserving Vermont’s natural beauty. We inspire and engage citizens in longterm planning for sustainable economic, environmental, telecom and energy policies that will benefit Vermont communities and Mother Earth.
The Silver Lake construction project is inconsistent with the Forest Service’s Recreation Site Handbook which mandates an EA for new construction and requires reservations must be made through Recreation.gov.

The public interest would best be served by the withdrawal of this proposal, and initiation by the GMNF of a process that follows the protocol outlined in the Forest Service Recreation Site Handbook that includes a rental cabin feasibility study for the district (or forest) as well as a Silver Lake visitor survey and analysis.

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Purpose &amp; Need</td>
<td></td>
</tr>
<tr>
<td>The Project Does Not Meet the Stated Purpose &amp; Need</td>
<td>3</td>
</tr>
<tr>
<td>An Amendment to the Chittenden Brook Hut Special Use Permit is Inappropriate</td>
<td>4</td>
</tr>
<tr>
<td>II. APA, NEPA, CEQ Regulations, Categorical Exclusion</td>
<td></td>
</tr>
<tr>
<td>Inappropriate for the Construction of a New Cabin/“Hut”</td>
<td>7</td>
</tr>
<tr>
<td>III. Cumulative Impacts</td>
<td></td>
</tr>
<tr>
<td>Related projects require cumulative review using ROS</td>
<td>16</td>
</tr>
<tr>
<td>IV. The Proposal is Inconsistent with Forest Service Recreation Site Handbook</td>
<td></td>
</tr>
<tr>
<td>Lighting</td>
<td>20</td>
</tr>
<tr>
<td>Proposed Project Does Not Harmonize with the Surrounding Natural Environment</td>
<td>20</td>
</tr>
<tr>
<td>Lack of Equity Inconsistent with Forest Service Recreation Site Handbook</td>
<td></td>
</tr>
<tr>
<td>Recreation Rental Cabin Provisions: Vermont Huts Association Members receive preference and discounts</td>
<td>21</td>
</tr>
<tr>
<td>Forest Service Special Uses Handbook Mandates an EA for New Construction</td>
<td>24</td>
</tr>
<tr>
<td>V. Development at Silver Lake</td>
<td></td>
</tr>
<tr>
<td>Threatens the Character that Makes it Loved by Existing Users</td>
<td>25</td>
</tr>
<tr>
<td>VI. Forest Service Handbook and Protocols for New Rental Cabins Should be Followed</td>
<td>26</td>
</tr>
<tr>
<td>VII. Recommendations</td>
<td>26</td>
</tr>
<tr>
<td>VIII. Conclusion</td>
<td></td>
</tr>
<tr>
<td>No New Development at Silver Lake is the best way to comply with the Management Plan</td>
<td>26</td>
</tr>
<tr>
<td>IX. Letters from VCE members who use and enjoy Silver Lake</td>
<td>28</td>
</tr>
</tbody>
</table>
I. Purpose & Need: The Project Does Not Meet the Stated Purpose & Need

“Small Projects Day, Section 1: Project Proposal” states:

The purpose of the project is to respond to a proposed permit amendment request from the Vermont Huts Association (VHA) to amend their existing Special Use Permit (SUP) with the Green Mountain National Forest (GMNF). This proposal includes the construction, maintenance, and operation of a new backcountry hut located at Silver Lake (see Project Map). A permit amendment is needed for the construction and operation of a backcountry hut at Silver Lake for the VHA to provide the public with the opportunity to use a well-distributed, state-wide, hut system. (emphasis added)

Vermont Huts Association states on its website https://vermonthuts.org/about/

our mission is to take these individual trail systems and unify them by linking a cohesive network of backcountry accommodations – where huts, cabins, yurts and lodges will exist to enhance our outdoor adventures. (emphasis added)

A new lodging facility at Silver Lake does not fulfill the purpose of providing a well-distributed hut system or create a unified trail system with huts because the location is not connected to the Catamount Trail, the Velomont Trail, or the Long Trail, which is 7.4 miles away.
The Moosalamoo Association proposal says that the proposed new Silver Lake Hut can be reached from the Long Trail and the North Country Trail (NCT). According to the NCT website, NCT’s Vermont route remains in the planning phase. [https://northcountrytrail.org/trail/vermont/green-mountain-national-forest/](https://northcountrytrail.org/trail/vermont/green-mountain-national-forest/)

At the proposed location, skiers are expected to share trails with snowmobiles. A new hut at Silver Lake amplifies this already-dangerous situation for new winter recreational users.

A new lodging facility at the proposed Silver Lake location does not fulfill the stated Purpose & Need of the existing Chittenden Brook Hut Special Use Permit.

**An Amendment to the Chittenden Brook Hut Special Use Permit is Inappropriate**

The proposed new lodging facility at Silver Lake has been presented as an amendment to the Chittenden Brook Hut Special Use Permit. The present proposal is inappropriate to consider as an amendment to the Chittenden Brook Hut Special Use Permit as there are significant differences in the environmental and management contexts for the two lodging facilities. These significant differences include the following:

- The Chittenden Brook Hut is located in a portion of the Green Mountain National Forest designated for semi-primitive motorized recreation, and is not in any special management designation. Silver Lake, by contrast, is located within the Moosalamoo National Recreation and Education Area, an area which is managed by particularized, unique regulatory and planning regimes, reflecting values which are not shared with the general regions of the Forest outside the designated area.

- The Chittenden Brook Hut is located in an area of the Green Mountain National Forest which is distinctly underutilized. Consistent with a theory of dispersed recreation, and of maximizing the experience of each recreational forest user, the Chittenden Brook Hut invites recreational users into an area of the Forest where they are unlikely to see many other users and can enjoy a natural recreation experience. The Chittenden Brook Hut decision memo notes that the GMNF was specifically working to increase use in the Chittenden Brook Campground. By contrast, Silver Lake is greatly overutilized. It often feels crowded and noisy particularly due to day use of the beach, persons fishing and kayaking on the lake, bicycle groups, college keg parties, etc. The impacts of this overuse are obvious including tangles of monofilament around the lakeshore, erosion on commonly used areas of the shore outside the designated beach area, and a sheen on the water from sunscreen and insect sprays, dogs in the water etc. The experience of recreational and educational users of the Silver Lake area will not be enhanced by the addition of this proposed lodging facility, or by the additional visitors to the resource which it will create. Both alone, and in the context of the numerous other projects
proposed or in progress at the Silver Lake area, it is clear that the end result will be a significant increase in use at an already over-used area of the GMNF, resulting in a degradation of both the values and natural resources in this area.

- The Chittenden Brook Hut replaced a campsite at the Chittenden Brook Campground. Accordingly, its impact was not additive (despite the goal of increasing visitation) but rather altered the availability of one of the campsites to include four season sheltered accommodation rather than just tenting. The proposed Silver Lake hut, in an already overused area of the Forest, is additive. It increases the overnight visitor capacity rather than simply expanding its seasonal availability.

- The Chittenden Brook Hut and Chittenden Brook Campground are on a road which is open to public use. The Forest Service’s Interactive Map\(^2\) indicates that Chittenden Brook Campground is on Forest Road 45, which is passable by passenger cars. The Chittenden Brook Hut Decision Memo states that each campsite at the campground has a parking space for two cars. By contrast, Silver Lake is not accessed by any road which allows public vehicular access. The Forest Service’s Interactive Map indicates that Silver Lake Road is closed to public motorized access -- and indeed, it comprises the primary walking/hiking access to the Lake. To construct and maintain the proposed Silver Lake lodging facility would require regular vehicular access by a private entity (VHA and/or MA) including to routinely replace or refuel propane tanks. This grants to the private entity a right of access precluded to the public generally, and which also materially conflicts with and degrades the experience of recreational users walking the access path to Silver Lake. Allowing vehicular use of this walking access increases safety risks to walkers as well.

- It does not appear that Chittenden Brook is in an area where there are archaeological and historic area considerations, as opposed to Silver Lake, where the Forest Service itself notes on its website the historic and archaeological significance of the area.

- The Chittenden Brook Hut Decision Memo notes that the approval of the Chittenden Brook Hut is related to a Forest Service desire to see a network of hut-to-hut hiking opportunities on the GMNF. However, any trail connection between the proposed lodging facility at Silver Lake and other “huts” is tenuous at best. To get to Chittenden Brook Hut from Silver Lake, one must hike up to Moosalamoo Campground, out to the Long Trail, down many miles on the Long Trail to the Chittenden Brook Trail. The distance between the two, following these trails, is more than 15 miles of rough terrain.

\(^2\) [https://www.fs.fed.us/ivm/](https://www.fs.fed.us/ivm/)
The Chittenden Brook Hut proposal was included in the EA for the Robinson Integrated Resource Project. It is extremely important to note that during this process, **not a single negative public comment was submitted regarding the Chittenden Brook Hut proposal**. Given this context, the Forest Service proceeded to approve the Chittenden Brook Hut as a categorical exclusion. The Silver Lake proposal at issue here could not present more of a contrast. Hundreds of stakeholders have commented or signed on to a petition[^1] in opposition to the present application, presenting a wide range of concerns and issues. Under 40 CFR 1501.5, the Forest Service has the authority and discretion to conduct an EA on any decision, even if that decision might otherwise qualify for a categorical exclusion (which, as asserted elsewhere in these comments, the present proposal does not). Even if you determine (erroneously) that the present proposal could qualify as a CatEx, responsibility to the Moosalamoo National Recreation and Education Area stakeholders who have submitted comments in opposition to this proposal require an exercise of Forest Service discretion to investigate the situation further by engaging in the EA process.

In addition to these differences between the Chittenden Brook Hut and the present proposal for lodging facilities at Silver Lake which render it inappropriate to consider the present proposal as an amendment to the Chittenden Brook Hut SUP, there are aspects of the Chittenden Brook Hut which raise substantive concerns in the context of Silver Lake. One of these is, as noted above, the need for vehicular access for maintenance. Another is that bringing or refueling propane tanks in to the Silver Lake area raises concerns about pollution and fire risk. ADA accessibility is questionable. Increasing visitation raises concerns about toilet

[^1]: [https://actionnetwork.org/letters/save-silver-lake](https://actionnetwork.org/letters/save-silver-lake)
facilities, and use of the lake for washing dishes etc. especially given that the water pump at the picnic facility is closed due to water quality issues. The solar panels proposed for the roof of the Silver Lake lodging facility were not explained, but the Chittenden Hut Decision Memo and application materials note that they are for interior LED lighting. This introduces artificial lights into the nighttime environment of Silver Lake, a distinct degradation of the present nighttime experience at that location.

The present proposal is inappropriate to consider as an amendment to the Chittenden Brook Hut Special Use Permit as there are significant differences in the environmental and management contexts for the two lodging facilities.

II. APA, NEPA, CEQ Regulations, Categorical Exclusion: Inappropriate for the Construction of a New Cabin/“Hut”

In the 5/26/22 Invitation to Comment, the USDA Forest Service asserts that the proposed Silver Lake Hut “potentially falls in a category of actions excluded from analysis in an Environmental Assessment or Environmental Impact Statement.” Categorical exclusions are “categories of activities which have been determined not to have a significant individual or cumulative effect on the human environment and are excluded from the preparation of environmental assessment (EA) or environmental impact statement (EIS), unless individual agency procedures prescribed otherwise.” 7 C.F.R. § 1b.3.

In support of the view that construction of the proposed Silver Lake Hut qualifies for a categorical exclusion, District Ranger Christopher Mattrick points to the Forest Service’s regulation concerning categorical exclusions. This regulation was substantially overhauled in November 2020 in an effort to “increase efficiency in the Agency's environmental analysis and decision-making” by shifting resources from projects with negligible environmental impacts to projects that require greater analysis and decision-making resources.

Mr. Mattrick quotes several portions of the regulation in support of different aspects of the proposed hut project. Of most relevance to the construction of the Silver Lake Hut is this quoted portion:

Construction, reconstruction, decommissioning, or disposal of buildings, infrastructure, or improvements at an existing recreation site, including infrastructure or improvements that are adjacent or connected to an existing recreation site and provide access or utilities for that site.

36 C.F.R. § 220.6(e)(22) (emphasis added). Without more context, this incredibly broad language would indeed appear to cover the proposed Silver Lake Hut, which would be the construction of a building and an existing recreation site.
However, Mr. Mattrick only quoted the first sentence of 36 C.F.R. § 220.6, which in full reads as follows:

(22) Construction, reconstruction, decommissioning, or disposal of buildings, infrastructure, or improvements at an existing recreation site, including infrastructure or improvements that are adjacent or connected to an existing recreation site and provide access or utilities for that site. Recreation sites include but are not limited to campgrounds and camping areas, picnic areas, day use areas, fishing sites, interpretive sites, visitor centers, trailheads, ski areas, and observation sites. Activities within this category are intended to apply to facilities located at recreation sites managed by the Forest Service and those managed by concessioners under a special use authorization. Examples include but are not limited to:

(i) Constructing, reconstructing, or expanding a toilet or shower facility;
(ii) Constructing or reconstructing a fishing pier, wildlife viewing platform, dock, or other constructed feature at a recreation site;
(iii) Installing or reconstructing a water or waste disposal system;
(iv) Constructing or reconstructing campsites;
(v) Disposal of facilities at a recreation site;
(vi) Constructing or reconstructing a boat landing;
(vii) Replacing a chair lift at a ski area;
(viii) Constructing or reconstructing a parking area or trailhead; and
(ix) Reconstructing or expanding a recreation rental cabin.

Of particular importance is example (ix): “Reconstructing or expanding a recreation rental cabin.” In many of the examples, the words “constructing” and “reconstructing” are used. However, for a recreational rental cabin, only the word reconstructing is used. This choice must be interpreted as intentional. If the drafters of the regulation had intended to include the construction of a new recreational rental cabin, they would have reused the “constructing or reconstructing” language from many of the other examples. Courts look to examples provided in Forest Service categorical exclusion regulations for guidance on the scope of otherwise poorly defined exclusion categories. *Wilderness Watch v. Iwamoto*, 853 F.Supp.2d 1063 (W.D. Wash. 2012).
Read in full, the construction — as opposed to the reconstruction or expansion — of a recreational rental cabin does not qualify for a categorical exclusion. The Forest Service must complete the full and public environmental analysis required by law. The time and public participation of a full environmental review will also increase public trust in the process and outcome.

The Forest Service here has received a substantial number of comments indicating that the proposed permit amendment would have significant environmental impacts, both individually and when viewed in the context of the numerous projects presently proposed or underway for the Silver Lake region of the Moosalamoo National Recreation and Education Area. To proceed without undertaking, at the least, an EA evaluating these impacts, would violate the APA, NEPA, and their related regulations. RESTORE: The N. Woods v. U.S. Dep't of Agric., 968 F.Supp. 168 (D.Vt.1997); Riverhawks v. Zepeda, 228 F. Supp. 2d 1173 (D. Or. 2002).

CEQ’s NEPA regulations require agencies to identify categorical exclusions; however, as noted, the USFS NEPA regulations regarding categorical exclusions do not include new construction of facilities like the one proposed here. The CEQ NEPA regulations also require that any action which the agency intends to consider a CatEx be evaluated for extraordinary circumstances. 40 CFR §1501.4. In the present case, the abundant natural resources identified on the Vermont ANR Atlas and Biofinder maps shown later in this letter, the significant overuse of the Silver Lake area, and the historical and archaeological significance of the area constitute extraordinary circumstances mandating, at the least, an EA, and perhaps an EIS.

If you should continue to evaluate this proposal as a CatEx despite the fact that the Forest Service categorical exclusion examples remove the construction of a new lodging facility from CatEx consideration, categorical exclusion is nevertheless inappropriate under Forest Service NEPA regulations. Under 36 C.F.R. §220.6(b)(1), extraordinary circumstances may be found where the proposed project impacts one of seven listed resource conditions:

1. threatened or endangered species;
2. floodplains, wetlands, and municipal watersheds;
3. congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas;
4. inventoried roadless areas;
5. research natural areas;
6. American Indian or Native Alaskan religious and cultural sites; and
7. archaeological sites, or historic properties or areas.
In the present instance, the proposed lodging facility impacts a national recreation area (#3), Abenaki cultural sites (#6), and historic areas (#7). According to the Forest Service’s own public information brochure about Silver Lake:

Silver Lake has attracted people for many generations long before the Green Mountain National Forest owned the surrounding land or the Hortonia Power Company started making electricity. Even before the famous Silver Lake Hotel and religious retreat existed on the site of today's picnic area, ancestors of today's Abenaki people were here enjoying the peace and beauty.

The book “Leicester Vermont’s Silver Lake: Beyond the Myths” -- cited by the Forest Service on its webpage about Silver Lake -- describes the archaeological finds of Abenaki encampments and canoes, unearthed in the late 1800s, as well as the Chandler family’s use of the site as a meditative religious retreat similar to Thoreau’s use of Walden.

As noted elsewhere in these comments, the impact on the National Recreation and Education Area is significant when considered in the context of the myriad of projects proposed in this area, at the same time, which have been inappropriately divided into siloed categorical exclusions, when collectively they constitute a significant change in the management of Silver Lake.

The impacts to three of the seven listed resource conditions comprises extraordinary circumstances that removes the present proposal from categorical exclusion and requires, at the least, EA review.

Should you issue a decision of approval for this proposal, that decision would contravene the federal Administrative Procedures Act, including but not limited to the fact that it was an abuse of the USFS discretion to fail to require an EA in the present circumstances, and that any finding that the proposed lodging facility construction meets the management prescriptions for the National Recreation and Education Area is unsupported by substantial evidence.

It is useful to start your consideration with the fundamental purposes of NEPA. The statute itself states that it is the continuing responsibility of the Federal Government to use all practicable means, to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; and to preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice. 42 USCA §4331. These overarching directives provide guidance in considering a decision which is part of a pattern of overuse and creeping development which is transforming and degrading a beloved natural resource like

---

4 https://www.fs.usda.gov/recarea/gmfl/recarea/?recid=64909
Silver Lake and its environs which include valuable historic and cultural as well as natural environmental elements.

It is important to remember that NEPA not only mandates what is commonly called the “NEPA review process”, but also mandates that all federal agencies use an interdisciplinary approach to decision-making that integrates natural and social sciences and environmental design arts; develops alternatives whenever there are unresolved conflicts concerning the use of resources; and utilizes ecological information in planning and development of resource-oriented projects. 42 USC §4332

The first step in a federal agency NEPA decision is to determine the appropriate level of review. Section 1501.3 of the CEQ NEPA Regulations states: (a) In assessing the appropriate level of NEPA review, Federal agencies should determine whether the proposed action:

1. Normally does not have significant effects and is categorically excluded (§ 1501.4);
2. Is not likely to have significant effects or the significance of the effects is unknown and is therefore appropriate for an environmental assessment (§ 1501.5); or
3. Is likely to have significant effects and is therefore appropriate for an environmental impact statement (part 1502 of this chapter).

In the present case, you can not reasonably conclude that building a lodging facility at Silver Lake “normally” does not have a significant impact, as it has never been done before. Nor are such facilities “normally” built within a National Recreation and Education Area, or within a highly overused area where impacts may be considered consistent with those at Silver Lake.

Natural resource mapping obtained from the Vermont Agency of Natural Resources online Atlas indicate that the Silver Lake parking area is within a deer wintering yard;
the Lake and the upper access trail and parking area are the site of multiple state-listed rare species and uncommon plant and animal species;

is located within a high-priority habitat block;

and the whole area is within the observed summer range of the federally-endangered-listed Indiana bat.
The area contains significant natural communities with rare species indications at the site of the path and road to the upper parking area.

Vermont’s Agency of Natural Resources Biofinder identifies the entire area as highest priority for:

Wildlife Connectivity;
Surface Water and Riparian Areas;

Connectivity Blocks;

Interior Forest Blocks;
Community and Species Components;

Species and Community Scale;

and Landscape Scale.
At the very least, the environmental impacts of the proposed lodging facility on these invaluable natural resources and assets are unknown; when considered collectively with the full panoply of projects proposed or in the works in the Silver Lake area, the detrimental environmental impacts on these natural resources and assets is likely significant.

CEQ NEPA regulations define “effect” as including direct effects, indirect effects including growth-inducing effects, cumulative effects which include incremental effects when added to other past, present and reasonably foreseeable actions, and aesthetic, cultural and historic impacts as well as ecological impacts. 40 CFR §1508.1(g). In considering whether the present project proposal has likely significant impacts, or if the significant impacts are unknown, the impacts of the numerous other pending actions at Silver Lake and its accessways must be considered. Accordingly, at a minimum, an EA must be prepared. 36 CFR §220.6 states that a proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and if... (2) The proposed action is within a category listed in §220.6(d) and (c).

Resource conditions must be considered in determining whether extraordinary circumstances, including the presence of federally listed endangered species or critical habitat (here, the Indiana bat has been observed at the project location); designated natural recreation area, as is the case here; American Indian cultural sites, which the Forest Service website for Silver Lake indicates; and archaeological or historic areas, which, again the Forest Service webpage for Silver Lake indicates. Four of the seven listed resource considerations for extraordinary circumstances are implicated in the present project proposal.

Under 36 CFR §220.6(c), if there is any question as to whether the project will entail significant environmental impacts, at the very least an EA must be prepared.

### III. Cumulative Impacts: Related projects require cumulative review using ROS

In addition to the Silver Lake New Hut Construction proposal, the USFS/GMNF Middlebury Ranger District is proposing several other related projects:

1. Moosalamoo-Silver Lake Connector Trail – “The project would construct and maintain a nonmotorized recreation trail between Silver Lake and the Moosalamoo Campground.” No further information is provided to the public except a 7/01/2022 expected decision date.
2. Silver Lake Recreation Site Improvements – “The project would implement a variety of improvements at the Silver Lake Campground and day-use area.” No further information is provided to the public except a 7/01/2022 Notice of Initiation.
3. Falls of Lana Parking Lot Reconstruction – “The proposed action is to reconfigure the parking area at the Falls of Lana Trailhead by widening and repaving the existing parking lot. This would allow for 15 additional parking spaces.” The Decision was signed 3/21/22.

The above projects (combined with the proposed new Silver Lake Hut) should be considered using the guidance of the Recreation Opportunity Spectrum (ROS) developed in the 1970s to classify and monitor existing and desired recreation settings. It is the primary tool for providing recreation input to Forest planning.

The premise is that Activity + Setting = Experience. People can have very different experiences due to the setting in which the activity occurs. The physical access, number of people encountered, and management activities are all attributes that define the six Recreation Opportunity Spectrum classes: Primitive, Semi-Primitive Non-motorized, Semi-Primitive Motorized, Roaded Natural, Rural, and Urban.

A change in one or more of the conditions can change the type of recreation experience of users. Increasing the use, changing the type of uses, changing the user groups, and other factors will change the visitor’s experience.

Some people refer to these types of changes as “development creep.” The proposed changes to the Silver Lake area’s parking, connecting trail, unknown site improvements and a heated new year-round lodging facility are major developments that will change the experience of users of an already-overused area.

The ROS inventory for the GMNF--Appendix B to the GMNF 2006 Forest Management Plan-- does not appear to have been re-mapped in accordance with the 2017 guidance document. It still maps ROS for the Silver Lake area as Semi-Primitive Motorized, not as the more intensive Roaded Natural as stated in the text of the Moosalamoo National Recreation and Education Area Management Plan (MNREAMP).

The MNREAMP at p. 102 states that “In case of a conflict between the Forest-wide standards and guidelines and the management area standards and guidelines, the most restrictive standard and guideline shall apply.” The ROS inventory for the GMNF found at Appendix B to the GMNF 2006 Forest Management Plan continues to indicate Silver Lake as the more restrictive Semi-Primitive Motorized ROS category; accordingly, that more restrictive category should apply.

The 2017 National Recreation Opportunity Spectrum (ROS) Mapping Protocol, at document page 48, directs that ROS mapping include assessing and inventorying unique opportunities and settings. These include areas managed only for nonmotorized uses or quiet settings that occur in more developed ROS settings to identify a special or unique opportunity, activity, or type of use; small special
nonmotorized areas to be managed as nonmotorized and quiet areas within a larger Roaded Natural setting.

In 2006, the GMNF intensified the recreational opportunity spectrum rating for the Moosalamoo National Recreation and Education Area generally. The GMNF has not engaged in the kind of granular ROS mapping anticipated by the 2017 ROS national mapping guidance. While intensifying the ROS rating for MNREA generally may have been consistent with the desire to increase access and usage, especially for school groups and other opportunities to educate the public about NF management and asset values, and may also have been consistent with the underutilization of other areas of the MNREA, it is distinctly inconsistent with the localized overuse and present lower-intensity nonmotorized management regime for Silver Lake.

The change in ROS intensity regime for the MNREA generally should not be used as a basis for altering the ROS intensity regime for Silver Lake specifically. The Forest Service website for Silver Lake continues to describe the campground, accurately, as a “small primitive campground” only accessible by hiking. The Semi-Primitive NonMotorized regime is particularly appropriate for Silver Lake given its overuse on a day use level, and given the myriad of natural resource concerns outside of the day use area, as indicated by the ANR maps included in these comments. Intensifying vehicular use by allowing construction vehicles and private vehicle access for maintenance and fuel delivery, and expanding the overnight and concentrated use outside the already designated day use and campground area, degrades the unique and highly valued recreation opportunity afforded by Silver Lake and its environs.

According to the submitted scoping documents, vehicular access to the site for construction and for maintenance of the proposed lodging facility would be via trails. A portion of the Silver Lake Trail comprises a closed road, but it does not access the construction site. Access to the construction site would necessarily be via the Goshen Trail or a portion of the Silver Lake Trail which departs from the closed road, or the Leicester Hollow Trail.

The MNREAMP at p. 102 explicitly, mandatorily forbids motorized vehicles on trails other than snowmobiles, or where required by law to provide access to private land.

<table>
<thead>
<tr>
<th>Trails Standard:</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-1: Motorized trail vehicles except snowmobiles shall be prohibited unless required by law to provide access to private land.</td>
</tr>
</tbody>
</table>

The proposed lodging facility location is not, and should not be considered, private land (see further comments below regarding exclusivity of use which
becomes even more troubling given this implication of considering the facility as private land for purposes of vehicular access).

An environmental assessment is mandated here, because, at the least, the significance of environmental impacts is unknown. 40 CFR §1501.5(a). Even if you do not view an EA as mandated, given the substantial comments of concern from stakeholders, expressing a broad range of issues directly implicating NEPA considerations and environmental impacts, the reasonable action would be to exercise discretion to perform an EA, as authorized by 40 CFR §1501.5(b).

It is important to note that agencies SHALL involve local governments in the EA process. Here, the legislative body of the host town, Leicester, has expressed its earnest opposition to the project proposal; in itself, this constitutes a reasonable basis to perform an EA, 40 CFR §1501.5(e).

CEQ regulations require identification of cumulative impacts and connected actions as part of the scoping process. 40 CFR §1501.9. Under the CEQ regulations, scoping is described in the context of preparation for an Environmental Impact Statement. However, USFS NEPA regulations state that scoping is required for all Forest Service actions including those which are presumed to qualify for Categorical Exclusion. 36 CFR §220.4(e).5

In the course of scoping, the Forest Service must consider connected actions, alternatives including the no-action alternative and other reasonable alternatives, and impacts, which are defined with the same meaning as “effects” as referenced above. Here, all other pending and proposed actions pertaining to the Silver Lake area including the Silver Lake-Moosalamoo Campground trail, improvements to the Silver Lake campground, and changes to the Silver Lake parking area, are actions with cumulative impacts which must be included within the context of scoping here, and evaluated together. These actions are not eliminated from consideration by 36 CFR §220.4(f) which explains that past agency actions need only be considered on a limited basis in terms of connected actions and cumulative impacts: The Forest Service is initiating or considering this comprehensive packet of actions in the Silver Lake area, all pertaining to use and use density at Silver Lake, right now, simultaneously. The fragmentation of this panoply of actions which, collectively, comprise a substantial change in the management, appearance, usage, experience of and impacts to Silver Lake in such a manner as to avoid comprehensive public review and comment is inappropriate and violative of statute, CEQ and agency NEPA regulations, especially in consideration of the potential ecological impacts in light of the significant natural resource identified in the Vermont ANR atlas.

5 Note: USFS regulations incorrectly identify the CEQ regulations’ scoping provision as 40 CFR §1501.7, rather than §1501.9. This may be a discrepancy which occurred due to changes in the CEQ NEPA regulations effective May 2022, or it may be a typographical error. However, the intention to apply the CEQ scoping provision is clear.
Simply put, to expand the parking lot, “improve” trails and campground, build a new trail or trails, and build a building, all within areas of federally-listed endangered species habitat, state-listed significant habitat blocks, habitat of state-listed rare and uncommon species, is nothing other than capricious and unreasoned. Silver Lake is, quite frankly, over-loved by its users and stakeholders; for the Forest Service to engage in these myriad changes while breaking those changes down in order to categorically exclude all of them from public review is, if nothing else, a breach of trust with Silver Lake’s constituency.

IV. The Proposal is Inconsistent with Forest Service Recreation Site Handbook: Lighting

FSH 2309.13-2018 12 includes several management prescriptions regarding lighting. Dark skies policies and lighting shields are indicated.

In the present case there is a proposal for solar panels, presumably for lighting, but no indication of what the lighting will entail, the location of the solar panels and auxiliary equipment, and whether more trees will have to be cut to avoid shading the solar panels.

Even interior lighting will, in the absence of mandated light-blocking material like shutters, insert artificial lighting into the otherwise non-lit area of Silver Lake, degrading the nighttime visitor experience for everyone outside of the facility.

Proposed Project Does Not Harmonize with the Surrounding Natural Environment

Among the FSH 2309.13-2018 10.2 Objectives are to “Develop sites to harmonize with the surrounding natural environment.” The presently proposed lodging facility does not do so. The use of dimensional lumber, a 25-foot tall 1.5 story configuration, modern windows and roofing, and interior artificial lighting does not harmonize with the surrounding forest block, scenic lake, and “small primitive campground.”

Pursuant to the FSH 2309.13-2018 11.15, SemiPrimitive Motorized recreation area should include only the following:

Rustic or rudimentary improvements and facilities designed primarily for protection of the site rather than the comfort of users. ... Rustic, natural materials only. ... Scenic integrity is High or Moderate. Subtle regimentation. Spacing informal and extended to minimize contacts among users – 6 or less parties visible from camping site.

The present proposal is inconsistent with this prescription. The dimensional-lumber, modern windows, artificial lighting and propane-fueled heating of the proposed facility is neither “rustic” nor “rudimentary,” and is designed for the comfort of users rather than for the protection of the site.
Even if this location is to be considered a Roaded Natural management area (which would be in error, as argued elsewhere in these comments), only “warming huts” in “rustic design” using “native materials” with a density of “three family units per acre” are anticipated. The present proposal exceeds these parameters, using a contemporary home design, dimensional lumber and modern windows, and increasing the density of the campground to exceed the prescribed limitation.

FSH 2309.13-2018 12.1 mandates that the lowest facility development that meets area needs be utilized. Here, that would be the primitive campground already in place.

FSH 2309.13-2018 12.1 directs the forest service to “Recognize the quality of design and construction affects the quality of visitor experience. Design choices tell a story about how we respect the public and the landscape.” The story told by the present proposal is one of prioritizing private, exclusive, facilities available for persons with ample economic means.

**Lack of Equity**

**Inconsistent with Forest Service Handbook Recreation Rental Cabin Provisions: Vermont Huts Association Members receive preference and discounts**

The general public is treated differently from members of Vermont Huts Association. VHA members receive one week advance Early Access Booking and 15% Reservation Discounts. VHA members could occupy the hut 100% of the time, excluding non-members.

This lack of equity can be characterized by referring to the proposed new residential lodge as “social exclusionary recreational infrastructure on public lands” due to the exclusivity offered only to members of the proposers. This presents high social and economic barriers for most Vermonters.

The present proposal is inconsistent with FSH 2309.13-2018 13.3 Recreation Rental Cabins. This provision sets forth the management and operation prescription for development of recreation rental cabins such as the proposed lodging facility on national forest lands. Section 13.3 directs that planning for Recreational Rental Cabins begin with the Forest Service, mandating that a "recreation rental cabin feasibility plan" be completed prior to engaging in cabin development. The present proposal stands the FHS mandated process on its head, having the Forest Service respond to vendor-initiated individual proposals on an ad hoc basis, rather than having vendors respond to well-vetted Forest Service plans. Section 13.3 states:

1. Identify opportunities to preserve and maintain historic buildings under the recreation rental cabin program. Preserve the

---

6 [https://www.nytimes.com/2022/06/21/opinion/camping-parks-access.html](https://www.nytimes.com/2022/06/21/opinion/camping-parks-access.html)

7 [https://vermonthuts.org](https://vermonthuts.org)
historic character of recreation rental cabins by selecting appropriate furnishings, restoration materials such as paint color, flooring, and landscaping.

2. Complete a recreation rental cabin feasibility plan for the administrative unit or ranger district.

3. Complete an analysis to address demand, needed capital improvements, and long-term maintenance for recreation rental cabins.

4. Select potential recreation rental cabins that will meet the national quality standards (FSH 2309.13, sec. 53.1- 53.14).

5. Recreation rental cabins must comply with ABAAS.

The Forest Service can not and should not consider the present proposal unless and until the prescribed recreation rental cabin feasibility plan and related analysis is completed for this ranger district.

FHS 2309.13 Chapter 50, the Forest Service Operation and Maintenance of Developed Recreation Sites prescription, expands upon the use of recreation rental cabins under the Federal Lands Recreation Enhancement Act. That statute and FHS 2309.13 53.41 mandate that rental cabins must be available for reservation on Recreation.gov. This mandate avoids the very issues of exclusivity, privatization and prioritization that exist in this present proposal: Reservations on Recreation.gov are first come-first served, and have no membership requirements. Rental rates are set as prescribed by the Forest Service Handbook 2309.13 Chapter 30.

Facilities on National Forest Service lands which are not rented through Reservation.gov are those offering services along with the lodging unit rental: condos on ski areas under developed winter recreation special use permits; hostels that provide laundry and meal service, etc. That is not the case in the present proposal.

Section 53.41 also requires regular cleaning, and anticipates use of smoke detectors, carbon monoxide detectors, and other health and safety considerations:

53.41 – Recreation Rental Cabins

Provide for use of recreation rental cabins under the Federal Lands Recreation Enhancement Act (FSH 2309.13, Ch. 30). Recreation rental cabins must be available for reservation on Recreation.gov. Before providing for use of recreation rental cabins:

1. Use appropriated funds to cover start-up costs for recreation rental cabins. Recreation fees may be charged once recreation rental cabins are ready for public use.
2. Comply with applicable standards (e.g., the International Building Code, International Property Maintenance Code, National Historic Preservation Act, and ABAAS) when renovation, repair, or modification of recreation rental cabins is needed.

3. Recreation rental cabins that are operated and maintained for public use should be economically viable.

4. Recreation rental cabins should be cleaned in accordance with the applicable operation and maintenance plan (sec. 52.2). Where provided, mattresses should have a cover that can be cleaned and disinfected. Kitchen furnishings, cabinets, and drawers should be kept clean and free from debris and rodent droppings. As deemed feasible and appropriate by the local Forest Service official, condition surveys of recreation rental cabins should be conducted to determine that furnishings, smoke detectors, and carbon monoxide monitors are in good condition and working order.

5. Follow applicable health and safety guidelines in operating and maintaining recreation rental cabins (FSH 6709.11, Ch. 30, sec. 39.22b).

6. Applicable emergency information, maps, special notices, allowable uses and restrictions, and other important information should be displayed in a prominent location in recreation rental cabins.

7. To the extent feasible, a condition survey of recreation rental cabins should be conducted every 5 years by a qualified engineer or other technical expert.

8. Strive to provide the public with unique recreation opportunities through the recreation rental cabin program.
   a. Monitor recreation rental cabins for occupancy, deferred maintenance needs, pricing, and operational costs.
   b. Preserve the historic character of recreation rental cabins by selecting appropriate furnishings, restoration materials such as paint color and flooring, and plantings.
   c. Provide a guestbook with historic information about each recreation rental cabin, emergency contacts, recreation opportunities, and operating instructions for gas, electrical, propane, and wood-burning appliances.

The submitted documents for this special use application do not provide for cleaning and do not specify the health and safety equipment and maintenance activities to be undertaken.
Under FSH 2709.11, special uses must provide a public benefit, and can not constitute authorization for an exclusive use. The present proposal implicates private benefits and the exclusion of the general public, at least in part. The present proposal anticipates the Vermont Huts Association handling the rentals of the lodging facility, rather than having such rentals be conducted, as required by FSH 2309.13 Section 53.41, on Recreation.gov. The Vermont Huts Association proposes to give discounted rates and rental prioritization to members of their association. This means that the general public must first pay membership fees and associate with an organization which they may not otherwise want to associate with in order to create an assurance of ability to rent the facility. It can be reasonably anticipated that persons who are not VHA members will never have access to this facility.

Lake houses are available for rent on nearby Lake Dunmore for similar economic rates, and meet the same needs for the same socio-economic demographic as the presently proposed lodging facility would meet. The continuation of Lake-Dunmore-style lodging facilities to Silver Lake degrades visitor experience and disrespects the visiting public and the landscape by commodifying it and making an offensive class statement: Persons with the means to pay membership fees in the proponent organizations and then pay steep nightly rental fees get the upscale heated cabin; persons without such economic means sleep immediately next door on the ground in tents.

Forest Service Special Uses Handbook Mandates an EA for New Construction
The Forest Service Special Uses Handbook mandates that an EA be conducted for special use permit applications which involve new construction (other than group use permits, i.e. event permits, which are explicitly exempted elsewhere):

12.52 - Environmental Analysis

1. An environmental analysis must be conducted pursuant to NEPA to determine the effect the proposed use may have on the natural and human environment (36 CFR 251.54(g)(2)). Direction for conducting an environmental analysis is contained in FSM 1950 and FSH 1909.15.

At a minimum, a "no action" and "proposed action" alternative should be analyzed.

2. The Authorized Officer may require the applicant to provide all the information needed (with respect to evaluation of the effects of the proposed use) to make a decision concerning the application. Requests for information in addition to that included in the application must be made in writing and may include such topics as cultural resource surveys and biological surveys of threatened, endangered, or sensitive plant and animal species and their
habitats, and so forth. The applicant is responsible for the costs of collecting all information directly related to evaluation of the effects of the proposed use and occupancy that the Authorized Officer needs to make a decision concerning the application.

3. Costs of surveys and data collection requested by the Forest Service that are not directly related to the application shall be borne by the Forest Service.

V. Development at Silver Lake: Threatens the Character that Makes it Loved by Existing Users

1) For many, the lack of development at Silver Lake is a feature, not a bug. Development, and the additional use that would come with it, will degrade the experience that makes Silver Lake special to begin with. The interests of users that value Silver Lake as it is—with its lack of development—should be given substantial weight. The fact that so many current users oppose development should be a significant red flag.

2) Like the proposed Silver Lake Hut, the Chittenden Brook Hut was constructed at the edge of an existing campground, the Chittenden Brook Campground. However, the Chittenden Brook Campground, like most Vermont campgrounds, has drive-in camping. While this offers great accessibility, it contrasts greatly in spirit with walk-in camping and recreation, which offers a greater sense of separation from civilization. Like roads, substantial structures such as the proposed cabin/hut offer conveniences that are valued by many, but many are drawn to the outdoors to connect with the natural world in the absence of the trappings of civilization. Vermonters and visitors have found favorite places that match their desired blend of natural and civilized, and these preferences impact how they view changes. It should not be surprising that an added touch of civilization came with little or no opposition at the drive-in Chittenden Brook Campground but has run into significant opposition in the less civilized Silver Lake area.

3) Development tends to be self-perpetuating. Significant development eases the way for further significant development.

4) The Vermont Hut Association and the Moosalamoo Association are acting in good faith to expand recreational cabin opportunities that many appreciate. However, they misunderstand the degree to which many in the recreation community oppose new development in this special, relatively undeveloped place (an area does not need not to be totally pristine and undeveloped for users to be attached to the area as it is and protective against development that will change its character). As the Vermont Hut Association knows, it is possible to build huts without causing so much upset. VHA has done so successfully many times. The extensive public
opposition to the Silver Lake Hut shows that the best approach at this time is to withdraw the proposal.

5) The potential for overuse, due to increased access, that degrades the physical environment or human enjoyment of the Silver Lake area should be studied during the full and public environmental review.

VI. Forest Service Handbook and Protocols for New Rental Cabins Should be Followed

According to the Forest Service’s Handbook and Protocols, a proposal for a new rental cabin should go through a rental cabin feasibility plan, then requests for proposals. There must be an Environmental Assessment. Rentals must go through Recreation.gov.8

VII. Recommendations

1. Say no (that is, adopt the no-action alternative).
2. If you will not say no, then do an EA or preferably EIS that includes a rental cabin feasibility study for the district (or forest), a Silver Lake visitor survey and analysis.
3. If you refuse to do this, then at the least abide by the rules and have this hut be rented through Recreation.gov at appropriate government-set rates and fair access; require all safety equipment and cleaning; and prohibit vehicular access on the trails.

VIII. Conclusion: No New Development at Silver Lake is the best way to comply with the Management Plan

Substantial opposition to the proposed new Silver Lake Hut shows that no new development at Silver Lake meets the Desired Future Condition described in the Management Plan Direction for the Moosalamoo Recreation and Education Area:

Research has found that the way to encourage people to take conservation actions is by bringing them first to the resource, and once they have discovered and appreciated the resource, they will want to conserve what they have come to value. -- Green Mountain National Forest Land and Resource Management Plan, Moosalamoo Recreation and Education Area (8.9), Desired Future Condition, February 2006, p. 100

Commenters who oppose the new lodging facility at Silver Lake have discovered and appreciated the resource and want to conserve what they have come to value. Please recognize that the Management Area’s Plan Direction is best complied

8 Perhaps there is an amendment or special agreement that have eluded the commenters, that enables a non-profit to propose and rent a rental cabin outside of the prescribed protocols in the Forest Service Handbook. As proposed, the Silver Lake Hut appears to be a private rental facility as a leasehold on National Forest Service land.
with by denying the Chittenden Brook Hut’s Special Use Permit amendment for the proposed new Silver Lake Hut.

Sincerely,

/ as /

Annette Smith
Executive Director

Cc: Chris Mattrick, Rochester/Middlebury District Ranger
    John Sinclair, Green Mountain & Finger Lakes Forest Supervisor
    Tom Berry, Policy Advisor to Sen. Patrick Leahy
IX. I am a member of Vermonters for a Clean Environment. I am very much opposed and disturbed by the proposal to locate a 1 and 1/2 story dwelling for people who do not wish to do primitive tent camping at Silver Lake, which has been a well regarded tradition established there for so many years.

Silver Lake is a rare and precious, pristine gem in the state of Vermont.

Its quiet peaceful character is what drew me to buying a home in Goshen 35 years ago and it saddens me that the place is being threatened with such an intrusion.

What has been a quiet, serene nature retreat for so many years will be threatened by locating such a multi-person dwelling there. Such a setup will be asking for trouble such as parties, noise, trash, danger of fires and danger of accidents that will not be easily accessible for emergency vehicles; especially during the winter months.

Practically speaking it makes no logical sense to place such a dwelling in that location that already has parking issues and thieves that come by to break into cars. Its poor access for handicapped people, emergency vehicles and distance from Porter Hospital makes it a very poor location. A much better location, if there must be a for profit dwelling, would be along the Goshen Ripton Road at Moosalamoo Campground which has much in place already and has easy access for disabled folks and emergency vehicles.

People already use this location for their RVs with propane cooking and such and getting propane down to a cabin at Silver Lake would be clumsy and dangerous as far as monitoring and transport.

Moosalamoo campground is a great and centralized location for such a facility and people could use that as a base for other delights in the area like the Catamount Trail, Goshen Dam, Hogback Mountain and Silver Lake.

If a party of people had a disabled member among them, this location would be so much more ideal as other party members could go to places with more limited access while others could remain around the campground and even drive up to Goshen dam to swim or just enjoy the beauty of that place.

Let’s not destroy one of the few remaining and mostly untouched, pristine recreation areas left in our state!

Please do the right thing and maintain the beauty and the tradition of Silver Lake!

Sincerely,
Patrice Lopatin
1742 Goshen Ripton Road
Goshen Vermont
June 30, 2022

Galina Chernaya
429 Carlisle Hill Rd.
Goshen, VT

Thank you for the opportunity to express my concerns about USFS/MA/VHA project to construct a year-round hut on Silver Lake. It seems hard to believe that the proposed construction of a year-round hut on Silver Lake aligns well with the Green Mountain National Forest mission and the public’s vision for the visitors’ experience at Silver Lake.

Silver Lake is a gem within the Moosalamoo National Recreation area. It is a unique ecology has remained unspoiled by development since 1970s.

My family discovered it over 30 years ago on our first out of state trip after moving to the US from the Soviet Union and settling in New Jersey in 1991. We instantly fell in love with truly pristine nature of the area: crystal clear water of the lake, unspoiled surrounding forest and complete quietness disrupted only by an occasional loon cry. We spent our first family vacation camping on the Silver Lake shore. As new immigrants we had very limited funds but thanks to our colleagues we were able to borrow all basic camping equipment except for sleeping bags which we brought with us from the Soviet Union. All four of us, my husband, I and two kids, 6 and 10 at the time, enjoyed our 10 day stay swimming and hiking around the lake during the day and sitting by the water glazing at the sky at night. With no light pollution the stars seemed so bright and close. Since then I have travelled extensively domestically and internationally but returning from a trip the same thought has been going through my mind: “There is no place like Silver Lake. Nowhere else do I feel such a strong connection to nature.” For almost three decades we kept coming to Silver Lake multiple times a year, hiking, camping and x-country skiing, until in 2020 we decided to make a change and moved from crowded overdeveloped New Jersey to Goshen to be within a few miles distance from our most beloved place. For the last two years we have been enjoying hiking almost daily to the lake with a book or a picnic to get away from it all, just to experience the beauty and peace that still remains in the world.

With great disappointment and concern I have recently learned about the USFS, the MA and the VHA plan to construct a year round hut right on the spot where you first encounter the magic of the lake’s gleaming water when coming down the Goshen trail. Any development of the area, even more so construction of a building, will totally ruin this unique environment. To this day hikers and campers who visit the lake come there to escape from everyday rush and reconnect with nature rather than to spend a night in a hut with modern comforts. For someone who values conveniences more than natural unspoiled scenery the Chittenden Brook hut is an easy 30 min drive away and is accessible by car.
There are endless opportunities to promote recreational use of the Silver Lake and surrounding area some of which are summarized in a report that came out of a project completed by Middlebury College seniors in 2008. [https://www.middlebury.edu/media/view/255314/original/Moosalamoo_Final_Report.pdf](https://www.middlebury.edu/media/view/255314/original/Moosalamoo_Final_Report.pdf)

I strongly believe that such activities as Work-Party weekends would greatly promote, generate, and cultivate land stewardship within the MNRA. As stated in the report: “The general idea would be to have organized gatherings of community members one Saturday every month to do needed service projects within the area. This would increase community ties to the land and increase general knowledge of the land. A morning of service work would conclude with a potluck of delectable food and drink, a celebration of the morning’s work and the coming together of community members”.

I full-heartedly oppose the hut construction plan and hope that USFS will make a decision not to pursue it but rather to expand recreational opportunities in the area which do not require building structures and potential use of motor vehicles to access them. I fully agree with the Middlebury report’s conclusion: “A high level of community involvement in land stewardship projects maximizes the benefits of the community as a whole”. Let’s work together on responsible and sustainable management of the Moosalamoo area- a beautiful natural resource.

Save Silver Lake!

Respectfully,
Galina Chernaya, Vermonters for a Clean Environment member
My Personal Experiences at Silver Lake
Linda Andrews, Bristol Vermont
July 2, 2022

I am a member of Vermonters for a Clean Environment.

I grew up climbing to Silver Lake and now at 75 years old I still love this hike! It is a hike I can do in all seasons. It is an easy and short hike. I love this lake because it is a quiet, peaceful and meditative place without camps or boats. It is surrounded by natural beauty. Every attempt should be made to keep this lake as pristine as possible. It is hard to do with the growing popularity of the lake.

I have such wonderful childhood memories of Silver Lake and the falls. My parents owned a camp on Lake Dunmore and every summer for 21 years our family would move down from Middlebury to spend the whole summer there. During those summers, Silver Lake was where my friends and I frequently climbed. In those days you would climb up the water pipeline from Route 53 to the road near the falls! We would then hike up the road, find the pipeline again and walk to the lake. There were leaks in the wood pipe line that would spray you with cool water. There were berries to be picked along the way. One winter when I was in elementary school, I went snow camping near the falls with my friend and her family. We built and slept in a snow cave! It was great fun! I learned to love the outdoors from these experiences.

When I was 60 years old, I was the nurse at Camp Thorpe in Goshen responsible for 60 or so physically and mentally challenged campers. Since the lake is easily accessible from Goshen, I was able to take my lunch, hike down to the lake and swim. It was such a great way to relax! One day, one of the counselors had a death in the family, I took her for a hike to Silver Lake. It was a warm day; the lake was calm and quiet and when we arrived it started to lightly rain. I will always remember swimming watching the rain come down, it was a very special time and healing for her.

Seeing the loons has always been a part of the joy of visiting the lake. There is one pair of loons that nests on the lake. Last year, I discovered where they were nesting, and it is not far from the proposed hut site. This is very concerning because they need to nest in a safe and quiet undisturbed habitat along the lakeside. After the chicks are born, the adults then protect and feed their young. The lake is small and the loons are easily seen. The danger is that if the adults are disturbed too much they will leave their young.

I worked internationally for 28 years and every year when I returned home on leave, I would look forward to hiking to Silver Lake. Silver Lake is where I take my international friends when they visit because it is a great example of the pristine beauty of Vermont.
We all know that increasing the number of people living and staying at the Lake will disrupt the wildlife and surrounding habitat. Silver Lake is an easy half day hike and climb; there is no need to have a hut. This lake must be carefully preserved and protected. It is a very unique and precious natural resource.

Linda Andrews
36 Pine Street
Bristol, VT 05443
July 3, 2022

Leonid Zhelnin
429 Carlisle Hill Rd.
Goshen, VT 05733

I am a member of Vermonters for a Clean Environment.

My vote goes to NO hut at Silver Lake.

My family has been visiting the Silver Lake area since early 90s. The beauty of unspoiled mountain lake with free, at the time, primitive campground without car access has been always the greatest attraction of the Silver Lake area for us. It was during our first camping family stay at the lake when I tried fishing. I still remember the excitement of the entire family when I caught my first ever rainbow trout. The memory of that night sitting by a campfire cooking freshly caught fish remains very vivid in my memory. Our kids, who are now adults and have families of their own, are bringing their children to this unique area to enjoy nature in its pristine state. The place has remained nearly unchanged through the years- quiet and unspoiled by development. Sitting by the shore and listening to the sound of forest and looking at the sky’s reflection in the water brings peace to my soul. There is definitely something heavenly about the place that makes you come back again and again.

Finally, two years ago we decided to move to Goshen mostly because of the proximity to Silver Lake. We hike there almost daily to spend an hour or two in this “oasis of solitude”. But our enjoyment of the area came to an end in March of this year when at the Town Goshen Select Board meeting it was announced that MA, VHA and USFS have made a plan to build a two story, propane-powered house at the lake. I can’t stop asking myself: is it what people really want to have at Silver Lake?

To get an answer I contacted Chris Mattrick (the US Forest Service Rochester District Ranger) to request a Visitor Use Monitoring report. Here is what I found out.

No recent visitor monitoring survey for the Silver Lake area
The last visitors’ survey to the MNRA area was done in 2010.
“…. We do not have specific visitor use monitoring for the Silver Lake Area. Our National Visitor Use Monitoring (NVUM) data is an aggregate for the entire Green Mountain National Forest. We did have a focus on the Moosalamoo National Recreation Area in our 2020 NVUM.( actually Mr. Mattrick later corrected himself - in 2010 NVUM only !!! )……The 2010 report was focused on the MNRA. I believe all the data in the 2010 report relates to the MNRA. However, we don’t have any information that gets
down to site by site level visitation. This is all I can provide you…” (From the emails by Mr. Mattrick)

It has become clear that there was no attempt to seek the public’s input or buy-in, much less consensus, for the long-term management of the Silver Lake area prior to launching into the NEPA process for the proposed hut construction. This failure to collaborate is deeply concerning, especially considering the Green Mountain National Forest’s repeated pronouncements of the value of working cooperatively with the public. The impression is that special interests with a financial stake in the outcome of a project have greater importance to GMNF officials than the public. Before a common vision is developed for the future of Silver Lake, it is premature to rush implementation of the proposed project.

Additionally, the USFS didn’t inform the Town of Leicester Select Board about the proposal to build a profit-generating house within the boundaries of Leicester before they learned about it from an article by a hut opponent published in the Addison Independent on June 2.

**Fire hazard has not been assessed.**
Fires in Vermont huts are a frequent occurrence. Fires were reported in 2015, 2016 and in 2018. The proposed house is surrounded by thick woods which makes it easy for a wildfire to spread. The closest fire department is in Brandon.

It is estimated to be 26 minutes’ drive by Google from the Brandon Fire department to the proposed house location. Accounting for response time it will likely be close to 40 min in summer before the firefighters arrive at the house. The VHA admits that in case of fire the hut will burn to the ground prior to arrival of fire fighters however there is no assessment of the public forest damage. And who will be paying for the forest service since only the house will be insured?

I have my own experience with the forest on my property in Goshen when a negligence of a contractor caused a fire and I had to pay thousands of dollars to the Brandon fire department to cover costs of firetrucks and firefighters’ time. Remember, forest damage is not covered by insurance.

**Lack of unbiased evaluation of construction site alternatives**
The "draft" proposal was already very well developed prior to any of the interested public hearing about it. I am deeply concerned by the fact that the neither the MA nor the Forest Service has conducted an unbiased evaluation of alternatives as part of the analysis of the proposed action. A scouting trip to the Mossalamoo campground by the Moosalamoo Association Board members in September 2021 can’t be considered an evaluation. As we learned from the trip report Silver Lake fell victim to its own beauty. The report concluded that other locations “didn’t feel right in their minds” and “pale in comparison with Silver Lake”.

Back in April Chris was advised to include evaluation of alternatives in the FS analysis. 
April 27, 2022

*Why not propose a set of alternative locations? That is much more open-ended and welcoming than coming in with a one-shot idea. Much more participatory. Much more respectful of whole communities.*

However, Chris chose not to include evaluation of alternatives in the analysis: *We plan to have the scoping documents out within a month or so and have an extended scoping period for folks to provide comment. If we see lots of requests for a public meeting we can discuss that further. Marc mentioned alternatives as part of the process. There are no alternatives when conducting NEPA analysis under a Categorical Exclusion, only in Environmental Assessments (EA) or EIS. If there is enough substantive comments raising valid concerns we could shift to an EA, but the project fits multiple Categories so we would not start at that spot.*

There is a need in unbiased evaluation of other options compared to the proposed Silver Lake site. The fact that Silver Lake is the ONLY location within 16,000 MNRA acres that can fulfil the described Purpose and Need is unsupported. There **must** be other options. A need for alternatives cannot be dismissed as not required for categorically excluded projects.

All in all, I strongly oppose the hut construction plan and hope that USFS will make a decision not to pursue it. Let’s work together on responsible and sustainable management of the Moosalamoo area - a beautiful natural resource.

Leonid Zhelnin
429 Carlisle Hill Rd.
Goshen, VT 05733