

November 9, 2022

Commissioner Stewart and Chair Govatski,

I request that the November 17th Nash Stream Citizens' Committee meeting be scheduled after the Kelsey Notch ATV Road inspection report is available to the public, or that the report be made available to the public immediately.

To hold the meeting when only DNCR and BOT are in possession of the report is unacceptable. To hold the meeting when no one is in possession of the report is unacceptable. A meeting without the information in the report cannot legitimately address the damage done by ATVs to Nash Stream State Forest.

In addition, the Kelsey Notch ATV Road report must (if the trail is not closed as it should be) be done mid-season, when the ATVs are on it and the damage, noise and dust are most evident.

Specific levels of damage or traffic numbers that would lead to closing the ATV roads in Nash Stream need to be defined in writing, and actually monitored and enforced. At this point there are no conditions that require ATV road closure that cannot be defined out of existence.

DNCR and the Nash Stream Citizens' Committee also must address global warming and the sixth great extinction as they relate to Nash Stream, **in writing**, with an assessment of how these disasters will affect Nash Stream (and for DNCR, other State Parks and Forests) and very specific actions to be taken in response to this climate emergency, for example, ceasing all logging and motorized recreation in Nash Stream State Forest.

DNCR needs to abdicate its sovereign immunity, for the good of state lands, wildlife and people.

Supervisor Ibarguen needs to direct USFS counsel to write a document supporting the closing of the ATV through-roads in Nash Stream State Forest, a position for which they stated you "have a strong argument".

Based on Gene Erl's opinion (which we have reaffirmed in 2001, 2017 and I reaffirm here in 2022) if the State proposes to allow cross country ATV use, we have a strong argument that right was not reserved by the State and therefore we could block that type of use.

Obviously it appears there are more questions you have as this moves forward.

Feel free to give me or call, or if you would like we can arrange a call with you and the appropriate staff if you have more questions regarding the conservation easement on the Nash Stream Forest.

Take care – vince v.

The Nash Stream Citizens' Committee, DNCR, and WMNF Supervisor Ibarguen need to describe and address the logging practices that required Forest Service approval per 11 (C)(2) but never received it:

When I lost connection, James was talking about "through trails". In a quick review of CE just now, I don't see that the CE addresses through **trails**. Rather, it appears to only address "through roads." Am I missing something? If Tom Wagner mentioned "through **trails**," in 2001, that was not based on any legal conclusion Gene had made. Trails are only addressed at II(C)(1) while roads are addressed at II (C) (2). II (C) (1) makes no mention of through trails. Per II (C)(2) , it would seem that new through roads would require prior FS written approval. (As we mentioned, generally such "concurrence" must be in writing per III(D), though in this case II(C)(2) itself speaks of written approval). BTW, seems like various logging practices also implicate need for FS approval. Let me know if we need to talk more about this so called through trail issue.



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