

Bert Frost, Regional Director
Midwest Region, National Park Service
601 Riverfront Drive
Omaha, NE 68102

April 22, 2024

RE: Sleeping Bear Heritage Trail Segment 9, Sleeping Bear Dunes National Lakeshore

Dear Director Frost:

I write to you on behalf of more than 1,000 followers of *Sleeping Bear Naturally*, a group of nature advocates and supporters of Sleeping Bear Dunes National Lakeshore (the Lakeshore) who live in northern Michigan and elsewhere.

We are concerned that the proposed construction and operation of Segment 9 of the Sleeping Bear Heritage Trail (Trail), a multi-use recreational trail scheduled for construction later this year, will have substantial negative impacts on ¹key fundamental resources values that are critical to maintaining the Lakeshore's purpose and significance, including loss of 7,300 trees, impacts to sensitive dune/swale environments, wetlands and potential impacts to Wilderness character.

Sleeping Bear Dunes National Lakeshore was established by an Act of Congress on October 21, 1970. Public Law 91-479 states:

"...the Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area.

...the Secretary (of the Interior) shall administer and protect Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area."

We believe that development of the proposed Segment 9 Heritage Trail would significantly impact outstanding natural features, alter vulnerable ecosystems, destroy the scenic beauty and natural character of the area, and would not be consistent with the maximum protection of the natural environment within the area.

While environmental impacts were evaluated for the entire nine segments of the proposed 27 mile Trail project (2009 Leelanau Scenic Heritage Route Trailway Plan and Environmental Assessment (EA), prepared by the National Park Service²) with a Finding of No Significant Impact (FONSI; 2009), the route, impacts, and construction techniques specific to Segment 9 (~4.25 miles) were evaluated broadly, at a programmatic level, with little detailed impact analysis for the specific alignments proposed. No Environmental Impact Statement (EIS) was completed. Importantly, environmental conditions and costs have changed since 2009, and new information about the resources impacted, construction techniques, and maintenance activities along the proposed alignment are only now available for Segment 9 for the first time since 2009. There is also additional

¹ Foundation Document Overview, Sleeping Bear Dunes National Lakeshore, 2016, National Park Service

² A Transportation Study – Sleeping Bear Dunes National Lakeshore, was completed in 2001 as part of the General Management Planning process for the Lakeshore. The study identified the lack of adequate opportunities for bicyclists, especially off-road opportunities. Specific non-motorized trail development recommendations included the development of a coordinated bicycle route network within the Lakeshore that connects the Port Oneida area with the Platte River area of the park without having to travel on M-22, except in a few relatively short sections. The planning process for a Trail followed and was completed in 2009 with the finalization of the Trail EA/FONSI.

documentation about the feasibility of alternatives that have been proposed to mitigate the impact to the human environment, as required by the National Environmental Protection Act (NEPA).

It should be noted that an additional planning effort for Segment 9 took place in 2018. That effort, led by a consulting firm, consisted of an interagency study group and design charrettes that local residents and trail users were invited to participate in and comment on. The stated goal of this effort was to take a step back, look at the route options in the trail segment 9 corridor, evaluate alternatives, and identify the best alignment design within the corridor evaluated in the 2009 EA/FONSI. The group produced a ³Preliminary Design document (Report) in 2019 which compared various sections of the proposed alignment and identified a preferred alignment (Segment 9 Final). During the public feedback on the route map, 90% of all comments raised questions about the potential impact of the proposed plan. However, while the participants of this effort indicated environmental concerns were important (particularly to wetlands and dunes), there was little documentation to measure or compare the intensity, duration, and timing of direct or indirect impacts on key fundamental resources located within Segment 9, particularly within the context of construction methods, Best Management Practices (BMPs) and maintenance activities. The study group was not allowed by NPS to consider lower-impact alternatives besides the line drawn on the map in 2009.

Given 1) the lack of segment-specific impact detail in the 2009 EA/FONSI and the 2018 Report along with the absence of scientific studies to evaluate the impact, 2) inaccuracies and errors in the 2009 EA regarding Segment 9, 3) the length of time that has passed since the project FONSI was issued in 2009, 4) the availability of new information about the scope of the project, including construction techniques, maintenance activities, 5) the changes in engineering designs, environmental conditions and costs since the 2009 EA/FONSI was issued, and 6) the documented feasibility of alternatives within the Good Harbor region that mitigate the impacts to the environment, we believe a new EA should be prepared for Segment 9 that includes a hard look at the environmental impacts associated with construction of the proposal and its alternatives to key fundamental resources of the Lakeshore, as well as diligent efforts to include the public and Tribes at key planning stages.

Specifically, our concerns are as follows:

Inadequate Evaluation/Changes in Environmental Condition

- In 2008, the Lakeshore adopted a General Management Plan (GMP) to guide management, development, and utilization of resources. In the 2008 GMP, the preferred alternative identified the area along Traverse Lake Road (TLR) and the Bufka Farm area for low volume use, experience of nature, and also included these areas in the proposed wilderness area. Segment 9 in the 2009 EA was routed through this low-use nature area and also through the proposed wilderness area between TLR and the Bufka Farmstead. The 2008 GMP was not mentioned in the 2009 EA, nor does it appear to have been taken into consideration during the planning process. The resource area designated in the GMP for recreation use within this Good Harbor region should be taken into account in a new EA.
- In 2008, NPS issued the 2008 Leelanau Scenic Heritage Route Trailway Plan and Environmental Assessment and proposed an on-road trail utilizing TLR as a shared road (Opt. 9.2). The route was altered to an off-road trail along TLR in the 2009 EA (Opt. 9.2). The information specific to Segment 9 was presented in Table 17 Impact to Environment, Table 18 Impact to Feasibility (both located in the Appendix), and Segment 9 Cost Projections in Chapter 5. The information in both the 2008 EA for an

³ Preliminary Design Services Sleeping Bear Heritage Trail County Road 669 to County Road 651. November 2019. <https://sleepingbeartrail.org/wp-content/uploads/2024/02/SBHT-Preliminary-Design-Seg-9-Final-Report-2019.pdf>

on-road trail and the information for the 2009 EA for an off-road trail is identical, word for word. When Segment 9 was changed to an off-road trail, the EA was never updated and it appears the impacts were never revisited and reevaluated. A new EA should evaluate the impacts to the proposed off-road trail, not utilize data for an on-road trail.

- In 2009, the evaluation of the EA in regards to Impact to Environment (Table 17) did not identify the wetlands along west TLR, the need to cross Shalda Creek, the extensive dune forest along TLR, the large and steep State protected Critical Dune Area along TLR, nor the globally rare and State Concern wooded dune and swale complex in the Bufka Farm area. No in-field scientific study was completed for Segment 9, and no scientific basis for determining impacts was presented to the public. The EA assigned an impact score of “0” to topography, wetlands, stream & creeks, soils, wildlife, vegetation, and viewsheds for Opt 9.2 of Segment 9. In the Segment 9 Cost Projections, there was no identification of extensive boardwalk construction, no stream crossing, no significant clearing of trees for construction, and no mention of construction of large retaining walls. The only reference was to striping on the existing road. Due to the significant errors and omissions, a new EA should be completed for Segment 9.
- In 2014, portions of the Lakeshore were formally included in the Wilderness System as designated Wilderness Area. Nearly all of the Segment’s 4.3 miles are immediately adjacent to the designated Wilderness boundary. Impacts to Wilderness character from construction and maintenance activities were not disclosed in the EA or subsequent planning reports (timing, duration, direct, indirect, and cumulative). The 2009 EA describes a Segment 9 route through the proposed Wilderness Area as identified in the 2008 General Management Plan, but this was not disclosed in the 2009 EA. These impacts should be evaluated in a new EA.
- In 2016 key fundamental park resources were identified in the Lakeshore’s Foundation Document Overview. Per this document, “*Fundamental resources and values are those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes determined to merit primary consideration during planning and management processes because they are essential to achieving the purpose of the park and maintaining its significance.*” Fundamental resources and values identified for the Lakeshore include Geologic processes, Ecological Communities, and Wilderness Character. The EA and Report did not evaluate construction impacts (direct, indirect, cumulative) to these primary resources, including the wooded dune and swale complex, forested and interdunal wetlands, associated geologic processes and ecological communities, and Wilderness Character. Impacts to key fundamental resources, functions, and values should be fully evaluated in a new EA.
- The preferred route alignment (Segment 9 Final) identified in the Report includes construction of three retaining walls to “protect the trail from the dunes.” The proposed retaining walls were identified in the 2018 planning process to be approximately 1,000 feet long and would be adjacent to a steep-sided dune. This lies in a zone protected by the state of Michigan as a ⁴Critical Dune Area. The stated purpose of the retaining wall is to “limit impacts to the dune.” Yet it would seem the purpose of a retaining wall is to retain or hold back the dune, to keep it from moving, which would thus negatively impact fragile dune processes. In addition, there is no discussion of the height of the retaining wall, materials used, visual impacts, or how the wall would be installed and maintained over time. Retaining wall impacts to vulnerable and protected communities were not evaluated in the 2009 EA or in the

⁴ Pathway to Good Harbor: Heritage Trail Segment 9 Tree Survey. Borealis Consulting LLC, Traverse City.
<https://img1.wsimg.com/blobby/go/d459544c-6f76-4ebb-a800-fa3ae8a20152/downloads/Heritage%20Trail%20Tree%20Survey.pdf?ver=1708198601607>

2018 Report and should be fully evaluated (direct, indirect, cumulative within the park; timing, duration and intensity) in an EA (and ideally avoided). A new EA should be completed based on actual engineering designs that are required to traverse significant environmental features in order to evaluate the impact of construction methods.

New Information available

- Maintenance activities on the completed trail segments (1-8) include the use of riding leaf blowers during the summer season to remove storm debris and regularly throughout the fall season to clear the trail of leaves. In the wintertime motorized tractor trail groomers are operated to compact snow and build base for cross-country skiers on the existing Trail. It is reasonable to assume the same practices would be utilized on Segment 9. The noise impacts/acoustic conditions associated with motorized equipment on Wilderness character, the acoustic environment, and visitor enjoyment has not been measured or evaluated (intensity, distance carried, or functional effects). The frequency and duration of these motorized operations are documented by the Lakeshore Friends Group for the existing Trail and should be identified and evaluated in a new EA.
- Invasive species are of increasing concern within the Lakeshore. Trails have been well-established as vectors for invasive species through several mechanisms. Invasive species have now been found along the existing Heritage Trail (Borealis Consulting LLC, 2024⁵). An emerging invasive species, slender false-brome (*Brachypodium sylvaticum*) has been found spreading along the existing Heritage Trail since its installation in the Critical Dune Area between Dune Climb and Glen Haven. Himalayan blackberry (*Rubus bifrons*) has been observed along the trail near Glen Haven. A new EA should consider the invasive species impact from the alteration of pristine and vulnerable ecosystems along the Segment 9 route.
- In May of 2023 the centerline of the Segment 9 Final alignment was staked. A group of stakeholders hired an independent consultant to perform a biological survey of the staked route (Borealis Consulting LLC, 2024⁵). The report found that the proposal would require the removal of nearly 7,300 trees, and cut through sensitive wetlands and dunes, including four vulnerable ecosystems protected by state and federal regulation. Within the report, new information was revealed, including:
 - Tree removal includes various size classes and species. This 7,300 estimate does not include staging areas, turn-offs, adjustments to the trail width, potential trailhead parking areas, additional clearing needed to construct retaining walls, or damage to the roots of trees adjacent to the corridor. Of the nearly 7,300 trees identified, 82% are saplings or trees with diameters of 10 inches or less. Understory trees, saplings, and pioneer species are valuable forest components and serve important ecological roles in local biological communities, particularly regeneration of those communities, and their loss should not be dismissed. The study identified 284 “large” or “very large” trees with diameters of 30 or more inches; these too are valuable second-growth trees. The number, species, and age class of trees that would be cleared during construction was not considered, determined, or evaluated in the 2009 EA.
 - Three and a half miles (85%) of the trail is within State protected Critical Dune Area, including barrier dune and wooded dune and swale complex, which are vulnerable communities in the State of Michigan and globally rare. Of note, field surveys determined that a section depicted on maps as following the outside edge of the wooded dune/swale complex, was actually

⁵ Pathway to Good Harbor: Heritage Trail Segment 9 Tree Survey. Borealis Consulting LLC Traverse City, MI, January 2024.

entirely within said complex. Wooded dune and swale complexes are ranked as Vulnerable at the State and Global level due to a restricted range, relatively few occurrences (often 80 or fewer globally), recent and widespread declines, or other factors making it vulnerable to extirpation. Trail construction in the extant natural communities is likely to create disturbance-associated ecological changes such as increased edge effects in closed canopy areas, changes in species composition and structure, and the introduction of invasive species.

- The trail crosses regulated wetlands near habitat of rare, threatened, and endangered species, which may be impacted by pre- and post-trail construction.

The Borealis report should be reviewed as a resource in developing a new EA for Segment 9. No botanical field study was completed as part of the 2009 EA.

- An independent analysis has been completed by a local engineering firm (Mansfield Land Use Consultants, April 2024⁶) which reviewed the proposed Segment 9 route, analyzed the application of construction designs based on engineering standards, and evaluated alternatives. No public information has been available on proposed engineering designs during the last fifteen years. Within the report new information became available, including:
 - Based on topography and construction design requirements, a retaining wall, as high as 15-30', will need to be built through a State protected Critical Dune Area for 950' in length along TLR, a scenic road adjacent to the Wilderness Area. The construction requires the clearing of existing tree canopy to the top of the dune hill, removal of a significant portion of the Critical Dune, and building large retaining walls before construction of the asphalt trail. The Michigan Legislature enacted Part 353 Sand Dunes Protection and Management as part of the Natural Resources and Environmental Protection Act 451 of 1994 to protect Michigan's critical dune areas. As part of the state law, "The legislature finds that: (a) The critical dune areas of this state are a unique, irreplaceable, and fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this state and to people from other states and countries who visit this resource" (324.35302 Legislative findings. Sec. 35302). The 2009 EA did not evaluate the impact of massive retaining walls on the viewshed of a scenic wilderness road, nor did it consider the significant alteration of topography and the impact to State protected Critical Dune Area.
 - Extensive boardwalk construction, for nearly 20% of trail length, is required to cross regulated wetlands, including those part of globally rare and State Concern wooded dune and swale complexes. According to MDOT as of March 23, 2024, the route within the Bufka Farm area was still not finalized as to whether more retaining walls are needed to cut into dunes or more boardwalk construction is needed to cross wetlands in the wooded dune and swale complex. Construction methods are extensive and challenging in the Bufka Farm area due to its remoteness. The 2009 EA did not identify the construction needed to traverse the wooded dune and swale complexes and did not evaluate the impact of construction on this vulnerable ecosystem.
 - Mansfield identified several feasible alternatives that provide recreational opportunities within the Good Harbor region, all of which meet the goals and principles outlined in the 2009 EA.

⁶ "Engineering Analysis of Recreational Opportunities in the Good Harbor Region," Mansfield Land Use Consultants, April 2024.

These alternatives provide recreational opportunities, have minimal or no environmental impact, require less extensive trail designs, and are significantly lower in cost. The independent engineering analysis identified four feasible alternatives which have fewer environmental impacts, less extensive engineering requirements, and lower costs than does the proposed Segment 9. The 2009 EA did not fully evaluate the alternatives available within the Good Harbor region.

- The construction costs are significantly higher for Segment 9 due to the various engineering features that were not identified in the 2009 EA, including: relocating west TLR road 10' to the east, building a bridge crossing over Shalda Creek, constructing elevated boardwalk for nearly 20% of trail length, extensive clearing of trees along the route, and construction of 15-30' high retaining walls for nearly 950'. These features make the cost of the 4.25 mile Segment 9 trail more than it cost to construct the entire 22 miles of existing Heritage Trail. In addition, project construction and mitigation costs (equipment, material, staff), and maintenance (equipment and staff) have escalated significantly since the EA was prepared in 2009. These new costs and feasibility should be determined for Segment 9 final and disclosed in a new EA.
- Visitor use, interest, and perceived need for the 4.25 mile Segment 9 have likely changed since 2009. To date, 22 miles of recreational bike trail have been constructed in the Lakeshore's Leelanau County, which largely meets the project's stated purpose/need of providing a recreational bike trail in the Lakeshore (note the other half of the park located in Benzie County, which includes the Platte River area, does not have a multi-use recreational trail). User counts along the Heritage Trail dramatically drop off farther away from Glen Arbor. Peak usage counts, according to 2016 data collected by Friends of Sleeping Bear Dunes (the most recent data available to the public), are less than 100 users per day through the Port Oneida Historical District section of the Heritage Trail. Certainly, low user demand should be taken into account. In addition, Segment 9 provides no access to goods and services and does not connect local communities. A new EA should take into account user demand as well as opportunities to better serve local communities and businesses.

The Mansfield report should be reviewed as a resource in developing a new EA for Segment 9. No engineering analysis of possible designs required for the proposed Segment 9 route or alternatives was completed as part of the 2009 EA.

Other

- The federal legislation establishing the Sleeping Bear National Lakeshore also requires NPS to avoid negative impacts to private property from any development of the Lakeshore:
"[i]n developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners," and "[i]n developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon." (16 U.S.C. §§ 460x(b) and 460x-5(d), 1970)

The Congress also directed that

"...the Secretary (of the Interior) shall administer and protect Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area."

The proposed Segment 9 will impact private property, especially at the intersection of M-22 and Traverse Lake Road (TLR), and the massive retaining walls to be constructed along east TLR will detract

from the public's enjoyment of a scenic wilderness road. NPS should not be developing and permanently altering vulnerable ecosystems that are highlighted as globally rare, of State Concern, and State protected, such as the Critical Dune Area or wooded dune and swale complex, even if permits could be obtained. A new EA should take into account the principles and legal founding of the Lakeshore.

- A table comparing the impacts of Alternative A vs. Alternative B by impact topic is presented in section 2.38 page 54 of the EA; however, the comparison is for the entire Trail (Segments 1-9) as a whole, not for the options of each segment. Nor was there a comparison by impact topics for the two alignments presented in the 2018 Report. Rather, there is an "Alternative Valuation" with pros and cons listed for the two alignment options (Alternative 1 and Alternative 2). Segment 9 should not be generalized with the overall trail due to significant environmental features that do not exist elsewhere along the Heritage Trail. Selected alignments in the 2018 report have more impacts than the other alternatives; these were not highlighted in any final recommendations or decision documents. If the EA had scored the impacts for Segment 9 correctly, the M-22 alternative would have been shown to have less impact to the environment than the route along TLR.
- Impacts discussed in the EA for Segment 9 used vague terms – e.g. "*construction and/or disturbance would occur in some areas*", without acreage identified for comparison between alignment alternatives (2018 Report). Without knowing the length of trail adjacent to Wilderness or Critical Dunes or the distance through forested interdunal and wetland areas, it is difficult to compare impacts between alignment alternatives.
- Best Management Practice (BMP) details were not provided in the EA. While the planning document (EA, Page 45-46) indicates "*...more specific BMP's for trail systems should be further explored, adapted, and/or created to meet specific needs of the Alternative Trail segments,*" these have not to date been specifically identified in a manner that is clear and meaningful to the layperson.
- An overwhelming majority of respondents to the survey provided to the public during the 2018 planning process indicated they had "concerns about further development of the trail due to '*Damage to the physical natural systems of the dunes*'." Nearly half (45%) of the respondents addressed the "importance of minimizing environmental impacts to the area's dunes, trees, wetlands, wildlife, and designated wilderness area." Yet the Report did not provide a detailed, in-depth analysis of the impacts to these resources associated with either alignment; instead, it seemingly relied on the broadly described impact analyses conducted ten years earlier; without the benefit of detailed scope of construction or description of impacts to key fundamental park resources and values. A new EA should take into consideration community input and address concerns that have been raised.
- In 2016 and 2023 two species were listed by the U.S. Fish and Wildlife Service (Eastern Massasauga, Threatened, and Northern Long-eared Bat, Endangered). The presence or absence of these two species should be determined before proceeding further on Segment 9 plans.
- NPS has not allowed a community discussion of recreational opportunities in the Good Harbor region. By following its General Management Plan, the Lakeshore could develop significant features for public enjoyment in the recreation zones in the Good Harbor Area. Segment 9, according to the GMP, lies in an Experience Nature area, bordering Wilderness. NPS has limited community engagement to a line drawn on a map when the community has requested that a broader discussion take place concerning developing recreational opportunities in the Good Harbor region. A new EA should consider all alternatives, including other ways to access Good Harbor Bay, the key feature in the northeastern area of the Lakeshore.

Legal Requirements of NEPA

The National Environmental Protection Act requires federal agencies, including the National Park Service, to assess the environmental effects of their proposed actions, and to explore and consider alternatives before making any decisions. The NPS should be familiar with the federal legal requirements of NEPA, which also apply to the decision-making process of Segment 9 Heritage Trail, including, but not limited to:

- NEPA requires federal agencies to analyze the foreseeable environmental impacts, including direct, indirect, and cumulative impacts, of "major federal actions." 42 U.S.C. § 4332(c)(1); 40 C.F.R. § 1508.7.
- NEPA requires the analysis and consideration of cumulative effects that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. 40 C.F.R. § 1508.25(a).
- Pursuant to NEPA's regulations, an Environmental Assessment (EA) must "provide sufficient evidence and analysis for determining whether" a project will have a significant impact on the environment. 40 C.F.R. § 1508.9(a)(1).
- NEPA requires an Environmental Impact Statement (EIS) for any major federal action that may significantly affect the quality of the human environment. 42 U.S.C. § 4332(2); 40 C.F.R. § 1502.3.
- NEPA requires an agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 102(2)(E). Agencies "shall rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 C.F.R. § 1502.14(a). 66. This "alternatives provision" applies even when the agency prepares an environmental assessment, and it requires the agency to give meaningful consideration to reasonable alternatives. See 40 C.F.R. § 1508.9(b). "The obligation to consider alternatives to the proposed action is at the heart of the NEPA process, and is operative even if the agency finds no significant environmental impact." *Dine Citizens Against Ruining Our Environment v Klein*, 747 F.Supp.2d 1234, 1254 (D. Colo. 2004) (citing *Greater Yellowstone Coal v Flowers*, 359 F.3d 1257, 1277 (10th Cir. 2004)).
- NEPA requires agencies to use high quality information and accurate scientific analysis; disclose "any responsible opposing view;" "make explicit reference ...to the scientific and other sources relied upon for conclusions in the statement; disclose any scientific uncertainties; and complete independent research and gather information if no adequate information exists (unless the costs are exorbitant or the means of obtaining the information are not known)." 40 C.F.R. §§ 1500.1(b), 1502.9(b), 1502.22, and 1502.24.
- To determine whether a proposed project will have a "significant" impact on the environment (requiring preparation of an EIS), NEPA requires an agency must evaluate, among other things, "unique characteristics of the geographic area" and "the degree to which the effects on the quality of the human environment are likely to be highly controversial." 40 C.F.R. §§ 1508.27(b)(3) and (b)(4).
- NEPA "ensures that the agency. . .will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger [public] audience." *Robertson v Methow Valley Citizens Council*, 490 U.S. 332, 349; 109 S.Ct 1935; 104 L.Ed.2d 351 (1989).
- NEPA requires an EA to be revisited if there are significant new circumstances or information relevant to the environmental concerns or alternatives that have a bearing on the proposed action or its impacts.

As a unit of the National Park Service, the Lakeshore should provide development and visitor use needs in a manner that does not impair resources; essentially, resource protection is a primary element of the Organic Act. We hold the NPS in high regard and believe impacts to the Lakeshore's fundamental resources should be avoided; otherwise, 'a death by a thousand cuts' will result, which could lead to impairment, particularly as more and more development occurs within and adjacent to the Lakeshore. This is especially true when there are viable alternatives and/or when development for recreational experiences is not a critical, pressing need,

as is in this case. There are ample opportunities for various recreational experiences at the Lakeshore, including the existing 22 miles of multi-use recreational trail as well as other feasible alternatives.

I urge you and your staff to carefully review the 2009 EA/FONSI in light of the issues raised in this letter. It's not too late to err on the side of the resource by initiating a new NEPA process for Segment 9 that takes a hard look at the environmental impacts, offers viable alternatives, and includes diligent outreach to include the public and Tribes in the process. A new EA should be done for Segment 9 as well as a thoroughly documented EIS.

Thank you for considering these comments and request for a new EA for Segment 9 on behalf of Sleeping Bear Naturally.



Marilyn Miller

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Cc: Mr. Scott Tucker, Superintendent, Sleeping Bear Dunes National Lakeshore

Attachments:

- 2008 EA Table 17 Impact to Environment, Table 18 Impact to Feasibility, and Segment 9 Cost Projections
- 2009 EA Table 17 Impact to Environment, Table 18 Impact to Feasibility, and Segment 9 Cost Projections
- 2009 General Management Plan preferred Alternative and 2014 Wilderness Area
- "Pathway to Good Harbor: Heritage Trail Segment 9 Tree Survey," Borealis Consulting LLC, January 11, 2023
- "Engineering Analysis of Recreational Opportunities in the Good Harbor Region," Mansfield Land Use Consultants, April 12, 2023
- Summary of Critical Dune Area
- Summary of Wooded Dune and Swale Complex