

July 7, 2006

Ms. Dusty Shultz, Superintendent
Sleeping Bear Dunes National Lakeshore
9922 Front Street
Empire, MI 49630-9417

Comments on the General Management Plan/Wilderness Study (ID: 14651), Document: GMP/Wilderness Study, Newsletter 2 - May 2006 (ID: 15338), specific to reassessment of the Benzie Corridor (Crystal Ridge) and reestablishment of the Sleeping Bear Dunes National Lakeshore (SBDNL) Advisory Commission.

Dear Ms. Shultz:

I would like to provide comments focused upon two issues related to the GMP/WS/EIS:

- 1. Reassessment of Management Alternatives for the proposed Benzie Corridor (Crystal Ridge).**
- 2. Reestablishment of the Sleeping Bear Dunes National Lakeshore Advisory Commission.**

I incorporate my previous comments by reference (1). I also reference Congressional records of the enabling legislation pertinent to its intent, certain NPS planning documents, and "A Nationalized Lakeshore: The Creation and Administration of Sleeping Bear Dunes National Lakeshore", by Theodore J. Karamanski, National Park Service, Department of the Interior, 2000. A map is included for reference.

Background.

The Crystal Lake Watershed is contiguous with several watersheds within the SBDNL. Small portions of the existing SBDNL lie within the Crystal Lake Overlay District, as does the proposed Benzie Corridor (Crystal Ridge). As a professional environmental engineer and as a volunteer for the Crystal Lake & Watershed Association (CLWA) (www.CLWA.us) and its predecessor organizations, I have been involved as an observer, participant, and director of environmental studies of the Crystal Lake Watershed since 1965. I am a long-time resident and riparian owner on Crystal Lake in the proximity of the SBDNL.

I am currently the Chair of the Education & Communications Committee of the CLWA, a 1,200-member 501(c)(3) organization with interests in "Protecting the integrity of the Crystal Lake Watershed, Benzie County, Michigan, now and for the future". As a consequence of my experiences, I have vested interests in future developments that may impact the watershed and the water quality of Crystal Lake (1).

Since the inception of the SBDNL, I have reviewed the extensive background materials and enabling legislation for its planning, development, and administration. Generally, I have been impressed with the overall management of the SBDNL. I have interacted positively with staff on issues of environmental stewardship, including informational sharing on water quality, GIS mapping, education, and management.

Many commenters through the years have addressed the pros and cons of expansions and acquisitions affecting the boundaries of the SBDNL. The balancing of wilderness protection with public access has contrasted closures of existing roads vs. opening of new roads. I remain concerned about the continued inclusion of the designation of the Benzie Corridor as a separate "unit" and the uncertainties created by the unresolved choices existent among various alternatives contained within SBDNL GMP documents.

As pointed out in the recent General Management Plan / Wilderness Study (SBDNL Newsletter #1, NPS, DOI, January 2006), public outcries over access issues and related wilderness issues raised in past GMP planning efforts (1999-2002) have prompted reassessment of issues and revised planning. Despite numerous open houses, workshops, and solicitations for public input in the insuring timeframe, I feel there is still minimal involvement by environmentally knowledgeable local citizens, especially in advisory capacities absent a true SBDNL Advisory Commission to provide much needed guidance and oversight.

History.

The dilemma of what to do with the proposed Benzie Corridor (Crystal Ridge) hangs like the proverbial "Sword of Damocles" over local citizens with allusions of perceived tragedy that may strike at any moment while epitomizing the insecurity of those with great power due to the possibility of that power being taken away suddenly (2). The mission statement of the NPS contrasts sharply with its previously stated intent regarding the Benzie Corridor. "It is the mission of the National Park Service to preserve the outstanding natural features along 65 miles of Lake Michigan shoreline, in order to perpetuate the natural setting for the benefit and enjoyment of the public, and to protect the natural and historic features from development and inappropriate uses that would destroy their natural scenic, historic, and recreational value." Issues of whether to access and/or to maintain remain unresolved.

A "Scenic Corridor" in Benzie County was proposed in the enabling legislation as part of the original Sleeping Bear Dunes National Lakeshore. It was proposed to connect highways M-22 and US31 along the high ridge (ne' Crystal Ridge) dividing the Crystal Lake Watershed from the Platte River Watershed. This controversial project has potentially adverse consequences to the Crystal Lake Watershed.

The enabling legislation (3) is very far-reaching and in a worst-case scenario would allow a "parkway" to be constructed along the entire length of the Benzie Corridor (Crystal Ridge).

"In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within Benzie County and within the parkway zone designated on the map specified in section 460x-1(a) of this title (numbered NL-SBD-91,000 and dated May 1969). Such scenic roads shall include necessary connections, bridges, and other structural utilities. Notwithstanding any other provision of this subchapter, the Secretary may procure for this purpose land, or interest therein, by donation, purchase with appropriated or donated funds, or otherwise (condemnation or "taking" are excluded): Provided, That land and interest so procured shall not exceed one hundred and fifty acres per mile of scenic road, except that tracts may be procured in their entirety in order to avoid severances. Property so acquired in excess of the acreage limitation provided in this section may be exchanged by the Secretary for any land of approximately equal value authorized for acquisition by this subchapter."

Such a "parkway" extending over eight miles and requiring 150 Acres per mile would encompass a total of 1,200 Acres or 7% of the Crystal Lake Watershed land area. While Crystal Lake is the 9th largest inland lake in Michigan at 9,854 Acres, its land area is very small at only 18,281 Acres.

The proposed development of the Benzie Corridor impacts the viewsheds of both Crystal Lake and Platte Lake. The proposed 6.5 – 8 mile path through the heart of the Crystal Highlands in Benzie County was left unaffected by the 1982 re legislation of the SBDNL (PL 97-361) (4). A similar scenic corridor near Glen Lake in Leelanau Co. was removed. Portions of the proposed corridor lie within the Crystal Lake Overlay District where specific zoning restrictions apply. Other portions overlap into the Platte Lake Watershed where settlement between MDNR and the Platte Lake Improvement Association (PLIA) also bears upon its uncertain feasibility.

A feasibility study (4) by the NPS in 1977 with an *ad hoc* committee of the Benzie County Commissioners established that there would be no serious environmental side effects from the road, (other than seriously impacting the viewshed of Crystal Lake), but that it would be very costly (\$18.7 million), and based on current (1977) park visitation rates, the road was not necessary. Finally, in August of 1983, the Benzie County Commissioners met and voted to reverse their earlier support for the park road. Later that year Congressman Vander Jagt introduced H.R. 4242 to delete the Benzie Corridor from the lakeshore. "I'd say it's dead as a doornail," one of the Congressman's aides told the press. "If the local people don't want it, forget it." Nonetheless, no bill to officially remove the Benzie Corridor from the lakeshore was ever approved and it died in Committee and it still remains a proposed part of the SBDNL. Comments received to date mention "access" and "wilderness" about equally. "It may be necessary to abandon the idea of a road and instead, propose trails or the elimination of the corridor entirely (SLBE-010, Page 15).

Management Alternatives for the Benzie Corridor.

The General Management Plan / Environmental Impact Statement of 2002 described four alternatives which appear to remain on the table for consideration <http://planning.nps.gov/document/ACF1CA.pdf>. These alternatives ranged from complete elimination of the corridor from the SBDNL boundary; to acquisition of properties as they become available from willing sellers, with zoning as "backcountry" with or without construction of hiking and/or bicycling tracks; to acquisition, with construction of a scenic road ("parkway") along the ridge, complete with scenic overlooks, parking areas and access roads. The Strategic Plan for SBDNL 10/0105 – 09/30/2008 <http://www.nps.gov/slbe/slbestpl.pdf>, states: "Interest remains high in Benzie County in the status of the proposed 8 mile Crystal Ridge Scenic Drive and the general flow of visitors through the roads now maintained by the counties."

I rephrase my comments provided of August 31, 2002 which are relevant to the current solicitation within the GMP / EIS Alternatives formerly linked at <http://planning.den.nps.gov/document/ACF1CA%2Epdf>.

It is stated under the heading, Benzie Corridor, in the text of Alternative 1 (No Action), "The long-term goal of the Lakeshore is to acquire properties when they are offered by willing sellers and construct a scenic road along the ridge." A long-term goal of acquisition definitely does not constitute a "no action".

Notwithstanding, the administrative planners have repeatedly implied in publicly accessible documents and maps that the Benzie Corridor (Crystal Ridge) is already an established part of the SBDNL, rather than simply a proposed future acquisition of lands many of which are still in private ownership. Despite all uncertainties, as of late 2005, the SBDNL continues to acquire properties along the "proposed corridor".

I direct my comments to the continued inclusion of the Benzie Corridor described on Pages 2, 10, 13, 17, 20, 22, 25, on all maps, and in the Summary of Alternatives, Page 30 of the 2002 GMP.

Alternative	Action (Specific to the <u>Benzie Corridor</u>)
1	Acquire properties as they become available from willing sellers. <u>Construct a scenic road along the ridge.</u>
2	Eliminate from Lakeshore boundary.
3	Acquire properties as they become available from willing sellers. Zone as <i>Backcountry</i> and construct hiking and/or bicycling track.
4	Same as Alternative 3.

Comment on Alternative 1: Continued inclusion of the Benzie Corridor within this "no action" Alternative does not constitute "No Action". Specific language to "Acquire properties as they become available from willing sellers", and to "construct a scenic road along the ridge" should be deleted. The Benzie Corridor is not yet in reality a part of the SBDNL and remains a gleam in the eye of certain Congressional members.

Comment on Alternative 2: Action to "Eliminate (the Benzie Corridor) from Lakeshore boundary" should be supported in full for this Alternative and all other Alternatives. Unfortunately, the map accompanying Alternative 2 is inconsistent and contains the designation, "Benzie Corridor / Scenic Ridge". This designation is misleading and should have been deleted or labeled "proposed" prior to public comment!

Comment on Alternative 3: Action to "Acquire properties as they become available from willing sellers", and to "Zone as *Backcountry* and construct hiking and/or bicycling track" also should be deleted in its entirety. The properties already are "backcountry" and lie partially within the Crystal Lake Overlay District.

Comment on Alternative 4 (Preliminary Preferred): Action described as "Same as Alternative 3", i.e. to "Acquire properties as they become available from willing sellers", and to "Zone as *Backcountry* and construct hiking and/or bicycling track", should be deleted in its entirety.

Comment on All Alternatives: All mentions of the Benzie Corridor should be eliminated from all SBDNL maps where it is now designated variously as “Corridor privately owned” or as “Benzie Corridor / Scenic Ridge”. This includes all maps publicly distributed and made available online at the SBDNL website.

The environmental consequences of construction of a "parkway" along the Benzie Corridor (Crystal Ridge) should be revisited. The "scenic route" designated as the Benzie Corridor, shown in various SBDNL maps (6) generally follows the ridgeline (through the Crystal Highlands) 6.5 miles between Platte Lake and Crystal Lake, although specific mention of the latter is absent. Construction of this "scenic corridor" would adversely affect the viewsheds of both lakes especially by the clearing of old-growth forest and significant earth moving. Destruction of viewsheds is contrary to popular local opinion strongly opposed to such action in other nearby areas. This opinion has been voiced repeatedly in historical articles, congressional records, doctoral theses, and in articles and editorials in local newspapers.

It is also stated in the Management Alternatives (at Page 3), "The NPS is concerned about fragmentation of habitat due to roads, because some species require large expanses of roadless habitat for their continued survival. Road use also introduces intrusive sounds into wild places and impairs views of the night sky." The same document also states that management direction "take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics."

The Benzie Corridor remains an unwanted anachronism within the Management Alternatives. It is decidedly in contrast to the controversial "road closures" that have elicited much pointed public comment. It is incongruous to "close" old roads that the populace is desirous of having remain "open", while proposing to "open" a new road that is almost universally opposed and should forever remain "closed".

I also believe that continued consideration of the Benzie Corridor is contrary to the provisions of the Crystal Lake Overlay District that encompasses the Crystal Lake Watershed. This document contains specific restrictions and limitations regarding zoning, land development, clearing of trees and vegetation, and earth moving, that would increase soil erosion and nutrient runoff, and adversely affect the water quality of Crystal Lake (and Platte Lake). Continued inclusion of the Benzie Corridor in any management Alternative is certain to trigger requests for a full Environmental Impact Statement (EIS) under the National Environmental Policy Act. In regard to the Benzie Corridor, the GMP / EIS document is decidedly lacking in detail of these specific issues expected to be considered within such a document.

The Purpose for the SBDNL is to "Preserve outstanding natural features, including forests, beaches, dune formation, and ancient glacial phenomena in their natural setting and protect them from developments and uses that would destroy the scenic beauty and natural character of the area." (Page 5) The public has suggested several areas for possible inclusion within the SBDNL, but also repeatedly suggested that other areas be considered for specific exclusion. It seems incomprehensible that the Benzie Corridor still remains within any of the four Alternatives of the GMP / EIS contrary to protracted public opposition over the past 40 years! State Senator Connie Binsfeld said, "Landowners have had to go through turmoil throughout the creation of the park while officials come and go. There is a lot of stress involved on the resident's part. Enough is enough." An aide to Congressman's Guy Vander Jagt once stated, "If the local people don't want it, forget it." I strongly encourage complete deletion of any further consideration of the Benzie Corridor from all present and future Management Alternatives and from all SBDNL maps.

SBDNL Advisory Commission.

The history of the SBDNL Advisory Commission can be paraphrased from Karamanski's treatise (5). Public Law 91-479 specified the formation of a citizen's advisory commission to counsel the NPS on its management of the SBDNL. Citizen's commissions became a feature of all of the shoreline recreation areas created during the 1960s-1970s. The SBDNL Advisory Commission was a purely consultative body and had no decision-making authority. It was composed of four members appointed by the State of Michigan, and two each from Leelanau and Benzie Counties. Its most important function was to serve as a forum to inform the public of issues before the SBDNL management team and allow comment by individuals with roots in Michigan and the communities adjacent to the park. During the 1970s the Advisory Commission helped to shape the lakeshore that exists today by its attention and advocacy on issues such as the Platte River, the scenic parkway, land acquisition, and wilderness designation. For various reasons, political and otherwise, the SBDNL Advisory Commission was allowed to sunset. Perhaps it is time to resurrect the Advisory Commission as a forum to resolve issues like the Benzie Corridor and to provide guidance and oversight to SBDNL management on detailed design plans.

Summary.

As in all life endeavors, there are differences of opinion on how to address perceptions and realities and to balance wilderness protection with public access. Given its extended history, the SBNDL has been a net benefit when the concerns of the public are acknowledged and when their interests are protected.

As described by Cicero, the Roman philosopher,

E duobus malis minimum eligendum. ("Of the two evils, the least should be chosen.")
— *Cicero* [106-43 B.C.], *De Officiis*, III, i.

The Summary of Public Comments on the GMP/WS dated May 22, 2006 is about equally divided when searched for "Wilderness" and "access" http://www.nps.gov/slbe/gmp_pub_comm1.pdf. Some may advocate the acquisition of additional land, such as the Benzie Corridor to "protect" it from private development assuming that by abandoning all considerations of a road its use would be limited to a wilderness trail. Others are seriously concerned that such acquisitions of lands would eventually lead to unconstrained uses.

The construction of a "parkway" road within the Benzie Corridor would adversely impact the unique viewshed of a major portion (39%, assuming ~8 miles of the 20.8 mile perimeter of Crystal Lake) of the high ridge around Crystal Lake and essentially destroy the very wilderness asset that should be preserved in perpetuity.

As described in the presentation to the June 2006 BMP Workshops for the BMP/WS, the GMP will provide general direction and management philosophy; identify desired future conditions for visitor experiences and natural and cultural resources; and identify general facility needs, functions, and locations; estimate costs and staffing needs; and satisfy statutory and NPS policy requirements. The GMP will not develop detailed design plans for specific areas; nor guarantee funding for future actions or any proposed facilities; nor resolve all park issues.

Until the unfortunately worded Congressional intent of a "parkway" is abandoned in its entirety, acquisition of the Benzie Corridor as a true wilderness area is compromised and unacceptable.

I therefore encourage careful reassessment of the management alternatives for the Benzie Corridor and urge the reestablishment of the Sleeping Bear Dunes National Lakeshore Advisory Commission that would provide oversight for deliberations on GMP issues and guidance for detailed design plans.

Most sincerely yours,

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Notes.

Note 1: Comments on the Draft General Management Plan / Environmental Impact Statement (Aug. 31, 2002); The status of the Benzie Corridor (Crystal Ridge) has been posted at the Crystal Lake & Watershed Association (CLWA) website at http://www.clwa.us/zoning_landuse.htm#ScenicCorridor and was the subject of a feature article appearing in the CLWA newsletter, Crystal Whitecaps, Vol. 2, No. 1, page 8, Fall/Winter 2005. http://www.clwa.us/PDF/Crystal_Whitecaps_2005fw.pdf

Note 2: Cicero, Tusculanae Disputations, 5.21.61-62. www.thelatinlibrary.com/cicero/tusc5.shtml

Note 3: US Code Title 16 - Conservation, Chapter 1 - National Parks, Part 3, Subchapter LXXXII - Sleeping Bear Dunes National Lakeshore, Section 460x-11. Scenic roads, (a) Authority of Secretary for construction, administration, and procurement of land.

Online at <http://www.nearctica.com/conserves/uslaw/chapt1/ch1end.htm>.

See also: Relegislating the Lakeshore http://www.cr.nps.gov/history/online_books/slbe/adhi_4f.htm.

Note 4: Sleeping Bear Dunes, National Lakeshore / Michigan, Scenic Road Study, United States Department of the Interior, National Park Service, September 1977, 28 pp + maps.

Note 5: Karamanski, Theodore J., Nationalized Lakeshore: The Creation and Administration of Sleeping Bear Dunes National Lakeshore, Chapter Three, The Advisory Commission, National Park Service Department of the Interior, 2000 , http://www.cr.nps.gov/history/online_books/slbe/adhi_3j.htm

Note 6: The NPS maps contained within various Management Alternatives documents and online webpages continue to reflect inaccuracies! They show all of Round Lake as being within the SBDNL. This is not true as a portion of this small Lake remains outside the SBDNL. The southernmost boundary of the SBDNL is also incorrect as it does not extend to the shores of Crystal Lake. Map/text references depict the Benzie Corridor / Scenic Ridge as already being a formal part of the SBDNL rather than as a proposed acquisition. This misleads the public. Adjustments should be made to all publicly available maps in print and online until such time as the proposed corridor is either abandoned or acquired.

Map Showing Location of The "Proposed" Benzie Corridor / Scenic Ridge (Crystal Ridge).

