

September 22, 2009

USDA Forest Service
Attn: George Vargas/Information Quality Officer
FS/ORMS/RIS
201 14th St. S.W.,
1st Floor, S.W. Wing
Washington, D.C. 20250
(202) 205-0444

RECEIVED
OCT 01 2009
FOIA/PA

Dear Mr. Vargas,

This letter is submitted to you as a Request for Reconsideration (RFR) as suggested by and in response to my receipt of Charles L. Myers, Deputy Chief for Business Operations letter (enclosed) of September 02, 2009. That letter responded to my initial request for correction of information originally sent Federal Express by myself directly to your office for reply.

Please also make note a letter from Lorrie S. Parker, Acting Director, Office of Regulatory and Management Services, (enclosed) of July 06, 2009 accepting my "Data Challenge" and acknowledging receipt on June 29, 2009 of my letter and exhibits as well as stating a 60 calendar day response to my request for correction of information. The response from Mr. Myers, signed for him by Thelma J. Strong, was postmarked September 03, 2009 U.S. Postal Service.

Given current federal security measures taken in Washington, D.C. with USPS mail, all correspondence to your or a designee office is by Federal Express to assure meeting your "45-day deadline" for this RFR.

Mr. Myers' response to my request for correction of information asserts that "In addition, we believe the information is in compliance with the USDA requirements under the Data Quality Act,..." followed by his reasoning held within 2 subsections: 1. Utility and transparency; and 2. Objectivity and quality. I will point out issues with this misleading reasoning throughout this request for your reconsideration.

Mr. Myers' concluded in his response for the Forest Service that, "In conclusion, the name Holmes Crossing was assigned to the Forest Service recreation site in question following proper procedures and must be used on all maps and documents prepared by the Forest Service unless and until that name is formally changed. The documents being disseminated by the Forest Service as part of its travel management planning process are therefore accurate. The historical questions raised in your challenge are best addressed by working with your local Forest Service officials..."

Mr. Vargas, after your review of Mr. Myers response letter, please refer to page 2 of my initial request, "**Explanation of Noncompliance with OMB and/or USDA information Quality Guidelines**", first sentence. Mr. Myers does not specifically address the crux of the request for

correction, where I wrote, "Providing false and/or inaccurate information to support an agenda need or claim in furtherance of gaining a predetermined outcome."

In his arguments, he states that this is not an action that requires public comment under the NEPA. Nowhere in my request is the implication that NEPA was or was not necessary to the name change determination itself, only that false and/or inaccurate information was used in determining the name change and that that information was ripe and timely to be corrected now that NEPA was being utilized via the Travel Management Rule in public forum. Nor did I take issue with Forest Service procedures that Mr. Myers utilizes to base his story on in response to my main point that the information rendered by the District Ranger to superiors was fatally flawed to begin with, though convenient because the Holmes family is no longer with us to help set the record straight to Forest Service. Even though Forest Service procedures might have been in order, the information obtained and utilized in those procedures is bogus and the methodology used is being covered up by Forest Service officials.

As to Mr. Myers' suggestion that I address "historical questions" by working with local Forest Service officials, I ask that you review original Exhibit 3 – Brinegar Letter 150609. Please respond in how I am to work with local officials that have wanted nothing to do with this issue and have previously ignored my attempts at communication. I have lived through every day of this specific local history for 88 years only now to be told that that history no longer exists? Tell me who within the local Forest Service do I speak with that has comparable local history to bank their decision and facts on?

Please refer to page 4 of my original request for correction and note my statement that "this information can be corrected prior to the ANF/FGNRA FEIS/Record of Decision by the Responsible Official." The entire package that your office acknowledged receipt of June 29, 2009 was sent in as a comment for the public record on that DEIS to Kris Rutledge, Ashley National Forest planner for consideration (hardcopy enclosed). The Ashley National Forest has not acknowledged my request for consideration and it is doubtful it will show up in the comment response section of the FEIS and I ask again, who locally does Mr. Myers suggest I speak with if my requests have gone unanswered previous to and then ignored during a NEPA dependant EIS?

Conveniently overlooked by the Forest Service response letter is the following quoted excerpt from Forest Service correspondence files, "this historic site housed a ferry crossing which was operated by the Holmes family". That written statement was produced with either inaccurate information or a lie, and nothing more. As well I gave a reasonable avenue for correction that was also ignored (see page 4, second paragraph of the original request) in the response.

Mr. Myers responded in the following manner to substantiate the Forest Service actions in determining a name change, "Property records show a variety of landowners in the vicinity of the recreation site in the early 1900's, including your family, the Holmes family, and others."

The District Ranger involved was specific in Forest Service correspondence with her request to superiors in using the phrase, "**this** historic site" [emphasis mine], implying one ferry boat and one very specific site and specific family of operation contrary to Mr. Myers' ambiguous use of "in the vicinity" of a recreation site when defending Forest Service action. His response is

tantamount to renaming Washington Monument the White House and vice versa just because they happen to be "in the vicinity" of each other. Imagine the mess to be made if the U.S. Postal Service used the same Forest Service logic to deliver the mail because they relied on similar arcane procedure. Forest Service has unethically erased more than 50 years of bona fide mapping and almost 100 years of history if you would only critically inspect and review the mapping and documents provided your office.

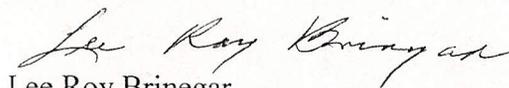
Required cultural consultation with the Shoshone and Ute Indian tribes as used in the context of Mr. Myers' response to my request for correction is seemingly used as cover by Forest Service as it is not likely that the Tribes would condone such behavior to their benefit to rewrite exactly where Holmes actually crossed the Green River further north as depicted on maps than where my family built a ferry and used a trail at the contested exact historic site. To the contrary, the use of the name "Squaw Hollow" was only in question between the USFS and Tribes, not the actual ferry boat crossing or Holmes or Brinegar.

Perhaps a notarized statement of action from the FS archaeologist who Mr. Myers states ensured "that the new name was appropriate for the site" would be in order since both Mr. Myers and the District Ranger seem to rely wholly on that advice under the guise of "using proper procedure and by the proper authority" to conclude "any other name would be inaccurate at this point in time."

It is no wonder that U.S. Forest Service credibility is increasingly waning in the Congress during hearings for appropriations as well as with the public at large: In essence, what the September 2nd Forest Service response states in a nut shell is that the Forest Service is above being held accountable for disseminating false information so long as Forest Service procedures were adhered to; that historical facts have no bearing on the decision-maker; and as used for excuse by local offices the cost of remedy is of greater concern to them than admitting the truth for correction, so the public needs to get over it.

I await your decision to reconsideration of the facts surrounding this issue for correction in light of Forest Service's rush to finalize the Ashley National Forest/Flaming Gorge National Recreation Area Travel Management Plan EIS in lieu of working for all of the public's interest to correct false Forest Service information before a Record of Decision is manufactured and a revision of Wyoming history is accomplished since no mention of this falsehood will likely publicly be found in the Ashley National Forest Travel Management Plan FEIS as no comment response was found in the Draft EIS as of the date of FS Business Operations response.

Sincerely,



Lee Roy Brinegar
110 3rd Street
Rock Springs, Wyoming 82901
(307) 382-3377

cc: Kathy Paulin, Kris Rutledge, Charles Myers, Interested Parties