

#07-01-00-0008

USDA Forest Service
Northern Region
Attn: Appeal Deciding Officer
P.O. Box 7669
Missoula, Mt. 59807

Date Jan. 3, 2007

RE: Notice of appeal of the Record Of Decision (Amendment 24 Winter Motorized Recreation Plan November 20,2006) to the Flathead National Forest Management Plan. Deciding Officer.

This notice of appeal is pursuant to 36 CFR 215.11.

Appeal filed by Montana Snowmobile Association (MSA) 401 Lower Rainbow Road Bozeman Montana 59718. Phone 406-586-2880. All correspondence should be directed to our Public Lands Chair, Charles M. Hedrick 22 Dick Road Great Falls, Montana 59404. Phone 406-453-2500; email charleyhed@earthlink.net.

The appellant objects to the decision to adopt the record of decision for the Flathead National Forest Land Management Plan (Amendment 24 Winter Recreation Plan ROD) as communicated November 20, 2006 by the Flathead National Forest Supervisor and Deciding officer, Cathy Barbouletos.

By filing this appeal MSA's obligations under the Flathead Settlement Agreement cease to exist. Reference the agreement pg. 6 item 6.

MSA feels the Forest Service failed to take a hard look at complying with other parts of the agreement:

1. The Forest Service did not meet the time lines as set forth on page 3 of the agreement, it has been almost 5 years.
2. The interim closures were in violation of 36 CFR 295.3, temporary closures up to one year in length can be made. It has been almost 5 years.
3. The Forest Service fulfilled one part of the agreement by making exhibit 1 an alternative but decided not to make it their ROD alternative.
4. Monitoring was not sufficient or conclusive.

The news media release for the DEIS for amendment 24 did not follow all of the guidelines in 36 CFR 215.

The record of decision page 3 states: I have decided to implement Alternative 6 (the Selected Alternative) from the FEIS with minor modifications. The modifications were not part of the FEIS and the public never had a chance to comment on them.

The Forest Service is acting in an arbitrary and capricious manner by using this ROD to establish forest travel planning. This ROD is a Forest Plan not a Travel Plan and should

be used as such. Forest Management Plans are used to set forth guidance to follow in pursuit of a goal or goals. (NFMA, overview, 2005 version).

NFMA:

219.2: Levels of Planning and Planning Authority

(b) Says it should be broad guidance.

219.3: Says it guides the direction.

219.7 iii: Guidelines are not commitments or final decision approving, projects or activities.

Land Plans are not normally used to make site-specific implementation decisions.

ROD (page 9) has site-specific areas, roads, and trails designated for closure they should not be in the FEIS.

ROD (page 10) this decision will GUIDE winter recreation — Goals and Standards have been amended ———.

If the ROD is a GUIDE for Forest Management, why are there site-specific closures addressed and being implemented? They should be addressed in the next Travel Plan.

MSA Chair Public Lands

Charles M Hedrick

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22 Dick Road

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RE: Notice of appeal of the Record Of Decision (Amendment 24 Winter Motorized Recreation Plan November 20,2006) to the Flathead National Forest Management Plan.

This notice of appeal is pursuant to 36 CFR 215.11.

Appeal filed by Flathead Snowmobile Association (FSA) Box 5041, Kalispell, Montana 59903-5041. Phone 406-253-0979. All correspondence should be directed to our President, Glenn Kolodejchuk, 2610 Trumble Creek Rd, Kalispell, Montana 59901. Phone 406-752-5381: email glenn.kolodejchuk@plumcreek.com.

The appellant objects to the decision to adopt the record of decision for the Flathead National Forest Land Management Plan (Amendment 24 Winter Recreation Plan ROD) as communicated November 20, 2006 by the Flathead National Forest Supervisor and Deciding officer, Cathy Barbouletos.

I would like to start with a little history of snowmobiling in the Flathead Forest. Our Groomed trail system was set up in the late 70's. It has been supported by State gas tax dollars and private donations. The latest forest plan revision was done in 1985. The trail system had been in place for many years. Parts of this system were designated as 2A as were other parts of the Forest. The authors of the 1985 Plan must have intended to allow snowmobiling in 2A areas. The trail system was already in place before this plan.

MWA questioned the legal description of 2A areas and filed an appeal to the 1985 Forest Plan. The Forest Service in Washington D.C. turned down this appeal. They stated that the Flathead Forest had the right to manage their lands as they were doing. Washington D.C. agreed that some of the language was confusing. They ordered the Flathead Forest to clarify the descriptions of 2A as well as other areas. That was never done. MWA sued the Forest in 1999 over this matter. Judge Malloy appointed Judge Bart Erickson to look into this. Judge Erickson studied the descriptions of the various areas of the Forest. He interpreted these areas to be non-motorized. This decision clearly disregarded the intent of the 1985 Forest Plan, but the Flathead Forest had, had 14 years to explain itself and never did.

I'm not sure how the negotiations between the Forest Service, MWA, and MSA got started, but it did. The Snowmobiling Public had very little input into this Process. Our local representative, John Altenburg, was told not to tell any one what was going on during these proceedings.

We were shocked at the settlement, when it came out. It was a total surprise. Over 300,000 acres of the North Fork had been closed to snowmobiling. These closures weren't court ordered closures. The NEPA process hadn't been followed. There wasn't any Public input.

I would like to touch briefly on the winter use counts. These numbers are used to support the closures. "Snowmobiling is growing so fast that something has to be done to protect National Forest resources."

I have included a copy of our 2006-2007 Winter Monitoring Plan. The first paragraph says: "vehicle counts at the Canyon Creek Snow park had increased from a seasonal average of 5,000 from 1990 to 1995 to 13,000 per season from 1995 to 2001."

Our Snowmobile season is 131 days long. We have over 100 miles of groomed trails. That works out to one snowmobiler per mile per day. That's hardly overcrowding.

Over-snow vehicle use drops off the farther from the groomed trails that we get. Areas such as Whale Creek and Shorty Creek are a 40-mile drive on a gravel road north of Columbia Falls. After you make that drive you have to ride a snowmobile 15 miles to get to these places. It takes specialized equipment and experienced riders to get there. I would imagine that there were only about 200 snowmobile visits per winter in these areas, again hardly overcrowding. Amendment 24 closes these areas.

Here are some interesting comparisons. It takes the Big Mountain three days during the Holidays to get 13,000 skier visitor days. The Flathead Forest limits commercial guides in the Bob Marshall Wilderness to 30,000 hunter days each fall for hunting. These people are chasing animals with guns and this is in a Wilderness.

In summary, we feel that we lost our privileges to use the Forest in the winter, not because of our actions, but because some people with the power, redefined the 1985 Forest Plan towards their own personal goals and feelings.

That's not supposed to be how the system works.

Sincerely,



Glenn Kolodejchuk
President
Flathead Snowmobile Association