

Swan View Coalition *Nature and Human Nature on the Same Path*



3165 Foothill Road, Kalispell, MT 59901

swanview.org & swanrange.org

ph/fax 406-755-1379

May 15, 2023

Kurtis Steele
Flathead Forest Supervisor
650 Wolfpack Way
Kalispell, MT 59901

Re: Initial Comments on "2023 Summer Rec Special Use"
<https://www.fs.usda.gov/project/?project=64111>

Submitted via comments-northern-flathead@usda.gov and Kurtis.Steele@usda.gov

Dear Mr. Steele;

These initial comments on your 2023 Summer Special Use Permits (SUPs) are submitted on behalf of Swan View Coalition and Friends of the Wild Swan. How on earth is the public supposed to submit informed comments on 25 SUPs when you've provided a cursory paragraph each on only 7 of them in your 5/12/23 letter? Simply pointing to archived decisions for 18 previous SUPs that you are reissuing doesn't cut the mustard either!

1. Where is the overarching document that summarizes the individual and cumulative effects of these 25 SUPs, alongside the remainder of the Flathead National Forest's SUP and recreation programs? There simply is none and none of the referenced archived files provide environmental reviews in even a piecemeal fashion. Those checklist-style analyses must be requested under the Freedom of Information Act (FOIA), under which the FS can take 20 working days to respond.
2. We submitted a FOIA on 3/24/23 for all information concerning the Highlander SUP proposal and we still have not received anything after nearly two months!
3. We submitted our letter of initial concerns about the Highlander proposal on 4/6/23, after we discovered that Highlander, then operating out of Zagreb, Croatia, was already charging people over \$700 to sign up for its "Kalispell event" on the Flathead NF – an event for which it has no SUP! We asked the Forest Supervisor to respond to our concerns in writing within 10 days, but we never got a reply from him. (Our 4/6/23 letter and a couple of Highlander web pages are attached to this letter).
4. Where is the monitoring data for the 18 previous SUPs that shows whether or not the permittee complied with all conditions of the SUP? There is none. During our meeting with you on 1/23/23, you told us the Flathead NF doesn't monitor compliance with its

SUPs and instead relies on public complaints. We are told that you soon after said the same thing to those attending the North Fork Interlocal Meeting. How can the public judge whether an SUP should be reissued when there is no performance data to go by? Failing to monitor and enforce compliance with an SUP is how Holland Lake Lodge was allowed to deteriorate to the point the permit holder says he can't afford to repair it.

5. How on earth can you justify reissuing a "temporary recreation special use permit" year after year? What is temporary about that? For example, see Ranger Dowling's attached 6/2/22 decision to issue such a "temporary" permit to Flathead Outdoors, which you now propose to reissue with no further environmental review.

6. Where are your summary documents that add up the number of "service days" / user days of these 25 SUPs alongside the rest of the Flathead's SUPs and overall recreation program? Some of these SUPs involve up to "400 participants and 200 spectators," as in the case of the Le Grizz ultra-marathon. The Highlander multiday backpacking event allows up to "100 participants and support staff." Where is your overall map showing where all these Special Uses are located, where they overlap with one another, and where they do not?

Simply put, you are withholding crucial information from the public, then shot-gunning them with 25 SUP proposals at once. You are insisting on receiving public comments in two weeks (May 26) so you can turn around days later and start issuing or reissuing SUPs on June 1. It is clear that potential permittees have enough insider assurances from the Forest Service that they go ahead with extensive marketing of their commercial Special Use prior to receiving a Permit for it! Your disdain for meaningful public and environmental review could not be clearer and follows the same missteps you made regarding Holland Lake Lodge.

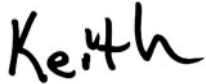
These 25 SUPs, individually, collectively, and alongside the remainder of your SUP and recreation programs most certainly present "extraordinary circumstances" that preclude the use of "categorical exclusions" from the preparation of an Environmental Assessment or Environmental Impact Statement – including significant impacts to threatened species and the general public's ability to enjoy their public lands without commercial interference.

Based on the information you have provided the public, a 400-person ultra-marathon, a 100-person multi-day backpacking event, and a 15-person ATV tour have the same impact as a 3-hour forest bathing session. This is not the hard look and public disclosure required by the National Environmental Policy Act. Because your revised Forest Plan EIS does not provide this analysis, you must prepare an EIS on your overall SUP and recreation programs before continuing to issue and reissue SUPs under what essentially amounts to false pretenses.

Moreover, allowing Highlander and others to register and charge people for events not yet permitted on the Flathead NF is an action that severely prejudices the Forest Service's behavior and selection of alternatives regarding whether or not to issue SUPs and under what conditions. This is a clear violation of the National Environmental

Policy Act. It is becoming increasingly clear that, by the time the Flathead NF asks the public for comment, the proposed SUP is already a done deal.

Sincerely,



Keith J. Hammer
Chair

And for:

Arlene Montgomery
Program Director
Friends of the Wild Swan

Attachments: 4/6/23 SVC-FOWS letter regarding Highlander proposals
2/20/23 Highlander web page re: Zagreb, Croatia
2/20/23 Highlander web page re: Kalispell event entrance fees
6/3/22 Ranger Dowling decision to issue Flathead Outdoors SUP

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April 6, 2023 (initially misdated 3/14/12)

Kurtis Steele
Flathead Forest Supervisor
650 Wolfpack Way
Kalispell, MT 59901

Re: Opposition to Highlander Events and SUPs

Dear Mr. Steele;

We want to take this opportunity to encourage you to not issue any Special Use Permits to Highlander on the Flathead National Forest. This letter is written on behalf of Swan View Coalition and Friends of the Wild Swan.

In its 5/10/22 letter on your Summer 2022 SUP proposals, Swan View used the proposed Highlander 100-person "hiking event" as a bad example of SUPs that "spew forth crowds", in contrast to the Montana Outdoor Science Academy permit that we expressed support for. Since then, we've had the chance to research Highlander and watch this video of its Big Bear Lake 2022 event at <https://www.youtube.com/watch?v=Z7qjD5Chzuc>.

This video makes clear Highlander's connections to Spartan Races (<https://www.spartan.com/>) and later announcements from Highlander make clear its commercial connections to RightOnTrek (<https://rightontrek.com/highlander-adventure>). Simply put, and in spite of its slick marketing, Highlander and RightOnTrek are here to make money off of increasing the number of people recreating on public lands (thankfully, Spartan conducts its annual race on private land in the Flathead). The Flathead NF backcountry, home of imperiled wildlife, is not place to have a "festival-style hiking event."

Our public lands are already under tremendous pressure from recreation, many of our public trails and campgrounds are already overcrowded, and the Forest Service is already struggling with how to cope with it. These Highlander events stand to make the situation worse, not better, and their partnering with RightOnTrek stands to teach people just how easy it is to overrun public lands with "one stop shopping" and outfitting.

Moreover, we are now aware that Highlander has for months been accepting registrations for its events on Flathead National Forest lands near Kalispell, largely along the Foy's to Blacktail corridor: <https://highlanderadventure.com/en-us/kalispell>.

Yet we have heard not a peep from the Flathead NF about these pending events or whether the Flathead intends to issue Highlander the requisite SUP(s)!

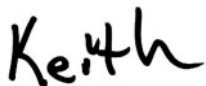
Simply put, allowing Highlander to register people for events not yet permitted on the Flathead NF is an action that severely prejudices the Forest Service's behavior and selection of alternatives regarding whether or not to issue Highlander one or more SUPs and under what conditions. This is a clear violation of the National Environmental Policy Act. Please immediately instruct Highlander to refund the money to all of its registrants for events proposed for the Flathead NF.

We object to and urge you to not issue any SUP to Highlander and we urge you to not reissue any SUP that may have been issued Highlander last year or at any other point in the past on the Flathead NF. And, as we argued in our letters last November, we object to the Flathead reissuing prior SUPs without firstly sending out those SUP proposals for further scoping and public comment, along with performance monitoring information that would inform whether or not such permits should be reissued.

Please respond to this letter, in writing, within the next ten days to let us know what the status is with any proposals that have been submitted by Highlander and what you intend to do with them.

Thank you.

Sincerely,



Keith J. Hammer
Chair

And for:

Arlene Montgomery
Program Director
Friends of the Wild Swan

Cc: anthony.butterfield@usda.gov
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2023 HIGHLANDER Hercules Kalispell, USA

INDIVIDUAL ENTRY

Regular

\$719.00

THE REGISTRATION INCLUDES: food and water, HIGHLANDER Ranger, camping gas cartridge, HIGHLANDER kit, merino wool bandana, pin, patch, certificate, educational and leisure activities, infrastructure

● Ages 12 and over as of 9/19/2023

TEAM REGISTRATION 3+1 FREE

Regular team registration (Team captain)

\$2,159.00

THE REGISTRATION INCLUDES: food and water, HIGHLANDER Ranger, camping gas cartridge, HIGHLANDER kit, merino wool bandana, pin, patch, certificate, educational and leisure activities, infrastructure

● Ages 12 and over as of 9/19/2023

Team registration (Team members)

\$0.00

THE REGISTRATION INCLUDES: food and water, HIGHLANDER Ranger, camping gas cartridge, HIGHLANDER kit, merino wool bandana, pin, patch, certificate, educational and leisure activities, infrastructure

● Ages 12 and over as of 9/19/2023

CONTINUE

Refer your friends by sharing your referral link after registration! You can get a 10% rebate from 1 to 1 referrals, 20% rebate from 2 to 2 referrals, 30% rebate from 3 to 3 referrals, 40% rebate from 4 to 4 referrals, 50% rebate from 5 to 5 referrals, 60% rebate from 6 to 6 referrals, 70% rebate from 7 to 7 referrals, 80% rebate from 8 to 8 referrals, 90% rebate from 9 to 9 referrals, 100% rebate from 10 to 10 referrals.



United States
Department of
Agriculture

Forest
Service

Swan Lake
Ranger District
(406) 837-7500
Fax (406) 837-7503

200 Ranger Station Road
Bigfork, MT 59911

File Code: 1950
Date: June 3, 2022

Subject: Flathead Outdoor, LLC Temporary Special Use Permit

To: Special Uses Files

To: Special Uses File

This letter serves as documentation under Category 32.12 (8) for the approval of a temporary recreation special use permit issued to Flathead Outdoor, LLC, Kyle Allred. The permit will authorize guiding service of e-bikes, e-dirt bikes and dirt bikes on the Flathead National Forest, including the Swan Lake, Tally Lake, Hungry Horse/Glacier View, and Spotted Bear Ranger Districts. Authorized activities will occur between June 1, 2022 to October 31, 2022 with a total of 200 service days on the permit will be authorized. The authorized areas will include Forest Service System roads and trails as indicated in the attached Appendix A. All personnel involved will be required to comply with the Flathead National Forest's food-storage and sanitation orders. The permitted special use activity is consistent with the Forest Plan.

I determined that this project falls within a category of actions listed in the Forest Service Handbook that are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and there are no extraordinary circumstances that would preclude use of the category. This category is identified as 36 CFR 220.6 (d)(8): *Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands.* The preparation of a project or case file and decision memo are not required with this category.

A public information release was provided on the Forest website regarding temporary recreation events and guiding service proposals that would occur during the spring and summer of 2022. The temporary recreation event permit for Flathead Outdoors eBike and motorcycle guiding was one of these proposals. This release announced the scoping period and provided a link to the forest website which contained specific details on each proposal. The scoping period ended May 18, 2022. The forest received numerous comments regarding the proposals. These comments involved concerns for motorized recreation, critical habitat, greenhouse gasses emissions and noise pollution.

Based on my review of the environmental effects and public feedback, it is my determination that no further actions to comply with all applicable laws, regulations, and policies are necessary. The proposal to issue the special use permit as described above may proceed.

CHRISTOPHER DOWLING
District Ranger

