

NORTH FORK PRESERVATION ASSOCIATION

77 Moose Creek Rd, Polebridge, MT 59928

April 29th, 2020

To: comments-northern-flathead-tally-lake@usda.gov
comments-northern-flathead-hungry-horse-glacier-view@usda.gov
comments-northern-flathead-swan-lake@usda.gov

Re: FNF – April 17th Public Comment on SUP's for Recreational Events and Guiding
Dear Kurt, Rob, Chris and Bill,

Thank you for the opportunity to comment on the Special Use Permits for Recreational Events and Guiding. The North Fork Preservation Association works to protect the **watershed, wilderness, and wildlife** in the North Fork Valley. Our comments will reflect our commitment to supporting these values in the North Fork. As demonstrated through our work in the Whitefish Range Partnership, we believe the enjoyment of public lands should consist of a diverse group of users. And, while we empathize with the many small businesses in the Flathead and beyond who are sure to face trying economic times in 2020, we are deeply concerned by the lack of information provided in these proposals as well as the lean opportunity given for the public to comment. More information and more time are absolutely necessary to maintain good precedent.

In a time when the popularity of the Pacific Northwest and the Continental Divide Trails is growing among *individual* through hikers and bikers, combined with local recreational enthusiasts and the accommodation of overflow summer tourists from other “full” entities like Glacier National Park, the arteries of the National Forest, in

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particular the Whitefish Range, are already pumping non-commercial users through them at an obese rate. To permit the addition of more *commercial* use would be devastating to the wildlife corridors of NW Montana's National Forests. It will undoubtedly increase the possibility of human-bear conflicts and will put more pressure on the minimal infrastructure in the Whitefish Range, an issue which has not been addressed in the majority of these proposals.

Moreover, while you cite to USFS CFRs as authority, we respectfully submit that under the circumstances the use of "categorical exclusions" to avoid preparation of either an EA or EIS is not appropriate. Categorical exclusions, by definition, are limited to situations where there is only an insignificant or minor effect on the environment. Under CEQ guidelines, any regulation adopting a categorical exclusion must provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. 40 C.F.R. § 1508.7. In determining whether an action will "significantly" effect the environment, the CEQ regulations provide certain factors that should be considered. *Id.* The factors include, among others, (1) the degree to which the proposed action affects public health or safety, (2) the degree to which the effects will be highly controversial, (3) whether the action establishes a precedent for further action with significant effects, and (4) whether the action is related to other action which has individually insignificant, but cumulatively significant impacts. 40 C.F.R. § 1508.27(b).

Your further consideration of the proposed projects considering these factors would be most appreciated. Especially timely as to factor (1) is the fact that the North Fork serves as a "gateway community." As such, it can reasonably be anticipated that some of the proposed activities will bring into the North Fork an influx of recreationalists from out of the area, even while the full nature and extent of the COVID 19 pandemic remains uncertain and attendant CDC and State limitations on social distancing et al remain in place. Likewise, we believe that the cumulative impacts of these multiple proposals need to be analyzed, with particular attention to potential conflicts with species of special concern, including grizzly bears, lynx and wolves.

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In sum, the traditional NEPA process would better inform the public and decision-makers of potential impacts—and provide a reasonable amount of time for meaningful public comment. At the very least, a 30-day extension for public comment is in order.

That said, the Special Use Permits of specific concern to us:

1. Whitefish Shuttle Livery and Guided Tours and Whitefish Bike Retreat Livery

Our main objection to commercial group hikes and bike rides is the impact on wildlife corridors in the Whitefish Range, especially when critical information like the number of people per group per day has not been disclosed. We hope that, if permitted, hiking and biking groups will be limited to a small size and those groups will be educated on how to recreate in bear country and be made aware of the risks. Also, we oppose the proposal of guided van tours on National Forest Service roads as the burning of fossil fuels does not adhere to promoting healthy recreation and will add noise, dust, air pollution, and wildlife disruption to many wild places that should be left alone.

2. NW Adventures and Action Rentals ATV Tours

We are adamantly opposed to any Special Use Permits promoting commercial motorized recreation in critical bear habitats in the North Fork and Whitefish Range, including any and all FS Roads to Red Meadow Lake, Red Meadow Creek, Big Creek, Hay Creek and Werner Peak. The North Fork is a safe habitat for grizzly bears and other wildlife and should remain as such without increased commercial motorized travel.

3. Guided Bike Tours

Commercial group hikes or bike rides should not be allowed on roads closed to motor vehicles, which already receive plenty of non-commercial use from local recreationalists. We ask that these remain closed to maintain the healthy wildlife corridors already being successfully managed in the North Fork and Whitefish Range and to avoid an increase in bear-human conflict. We pride ourselves in being a

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respite for problem bears in the greater Flathead Valley and would like to keep it that way. Bear country education must be given as well.

Again, the public cannot provide informed and meaningful comments when the Forest Service has failed to provide critical information with us. Reassurance in the form of a traditional NEPA process would set a healthy precedent moving forward and allowing a respectful amount of time (the 30 days following) for public comment allows us all to work together in the best way possible.

Thank you for taking the time to read this and for considering all of our concerns. As always, we look forward to working with you.

Flannery Coats, NFPA Vice President
For the NFPA Board of Directors