

September 21, 2022

U.S. Forest Service, Swan Lake Ranger District
Attn: Shelli Mavor (Holland Lake Lodge)
200 Ranger Station Road
Bigfork, MT 59911

RE: Holland Lake Lodge Facility Expansion

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Thank you for this opportunity to comment. Please accept these comments from me on the Holland Lake Lodge Facility Expansion Project on behalf of the Alliance for the Wild Rockies, Center for Biological Diversity, Council on Wildlife and Fish, and Native Ecosystems Council (collectively “Alliance”) submit the following comments to guide the development of the environmental analysis for the proposal.

The Forest Service should write an EIS or at least an EA for this proposal. It does not qualify for a CE.

§ 220.6 Categorical exclusions.

(a) General. A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and if:

(1) The proposed action is within one of the categories established by the Secretary at [7 CFR part 1b.3](#); or

(2) The proposed action is within a category listed in [§ 220.6\(d\) and \(e\)](#).

(b) Resource conditions.

(1) Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are:

(i) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;

(ii) Flood plains, wetlands, or municipal watersheds;

(iii) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;

(iv) Inventoried roadless area or potential wilderness area;

(v) Research natural areas;

(vi) American Indians and Alaska Native religious or cultural sites; and

(vii) Archaeological sites, or historic properties or areas.

(2) The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

The Holland Lake project is controversial based on the thousands of people who have already commented.

The project area is between the Bob Marshall Wilderness complex and the Mission Mountain Wilderness and has numerous roadless areas in the vicinity which would be designated wilderness under a bill before Congress, the Northern Rockies Ecosystem Protection Act, H.R. 1755 and S. 1276. H.R. 1755 has 72 cosponsors and S. 1276 has 11 cosponsors.

The location of Holland Lake Lodge virtually guarantees conflicts with species currently listed for protection under the Endangered Species Act. That would include grizzly bears and lynx -- and most likely wolverines as the

developers push further and further into the surrounding forest landscapes with mountain bike, skiing, and other trails, aerial lifts, and "service roads."

These conflicts are absolutely foreseeable as the expansion vastly increases human activity in the area. Equally foreseeable are the consequences for the wildlife as grizzlies are drawn to any number of attractants -- from sewage lagoons, garbage and pet foods outside the "cabins," the uncontrolled littering by clueless visitors, and even the pets themselves. Wolves, mountain lions and bears have no qualms about killing "pets" that are off-leash and attack them. They then become "nuisance" animals and will be killed or removed by the developers or the Fish and Wildlife Service. What they won't get is Endangered Species Act protections to which they are legally entitled if recovery of the species will be achieved. Looking the other way is an abdication of the Forest Service's legally-required protection and restoration of these threatened and endangered species.

Increased traffic on the narrow, winding, short-sight distance Seeley-Swan road will likewise have predictable consequences. As anyone who has driven that road knows, it is very dangerous for vehicle-wildlife collisions,

particularly in the morning and evening hours when it can be expected the "visitors" will be heading to or from the Holland Lake Lodge.

Besides the increase in dead deer, one can more than reasonably suspect the carcasses will attract bears and other scavengers such as golden and bald eagles, wolves, coyotes, and even wolverines. Please analyze the foreseeable consequences of significantly increased traffic will bring.

Transitioning from "seasonal" to expanded "year round" recreation/development/impacts will occur. Do you expect "Recreational" impacts on wildlife to increase significantly, particularly in winter given the current plans for expanded year-round use? These will undoubtedly include more winter trail use by both motorized and non-motorized activities.

Given the plans for large expansion of the "water activities" one can expect clueless visitors will wind up killing more bull trout -- and certainly the chance and opportunity for some to introduce non-native species into the lake will be significantly increased. People who have no understanding of living with native fish species are prone to want to see

"their" preferred fish available for harvest. Holland Lake is a small lake with minimal capacity for disturbance -- and you folks are planning a lot of disturbance for no apparent reason other than corporate profits at the expense of public assets.

The project area is in lynx critical habitat and situation one grizzly bear habitat. Holland Lake and Holland Creek are bull trout critical habitat.

There is a helicopter pad that will get more use if the expansion is allowed to go forward. Low flying helicopters displace grizzly bears and thus a take permit is required.

Please see the attached paper titled: ***Guide to Effects Analysis of Helicopter Use in Grizzly Bear Habitat***

Please formally consult with the FWS on the impact of the project on lynx, lynx critical habitat, grizzly bears, bull trout, and bull trout critical habitat. Please conference on the impact of the expansion on wolverines, whitebark pine and monarch butterfly.

Apparently the FS does not have a "nutrient budget" for Holland Lake -- nor seeks to develop one as evinced by the use of a Categorical Ex. When the nutrients and pollutants

from the primitive wastewater "treatment" system reach groundwater and flow into Holland Lake and Holland Creek, the result will be inescapable as it has been in so many other places. Eutrophication -- more weeds, more algae, more changes in the overall ecosystem.

Unless they use reverse osmosis, wastewater treatment systems do NOT take out a host of pollutants, including pharmaceuticals, herbicides, pesticides, insect repellants and many, many more. Please see the attached study on the various pollutants the municipal treatment plants failed to remove in their discharges in the Helena Valley. Similar studies have been done with the same results in most of Montana's major valleys.

The littoral zone surrounding Holland Lake Lodge provides perfect conditions for excessive plant and algae growth resulting from nutrient inputs from the expansion, sewage treatment system, parking lots, and fertilizers from the "lawn" surrounding the lodge.

The Forest Service must complete a full environmental impact statement (EIS) for this Project because the scope of the Project will likely have a significant individual and

cumulative impact on the environment. When Whitefish Mountain had a smaller expansion the FNF wrote an EIS. Why are you doing a CE here in the same forests?

Alliance has reviewed the statutory and regulatory requirements governing National Forest Management projects, as well as the relevant case law, and compiled a check-list of issues that must be included in the EIS for the Project in order for the Forest Service's analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the EIS or at a minimum an EA for the Project.

- I. NECESSARY ELEMENTS FOR PROJECT EIS:
 - A. Disclose all Flathead National Forest Plan requirements for logging/burning projects and explain how the Project complies with them;
 - B. Disclose the acreages of past, current, and reasonably foreseeable logging, grazing, and road-building activities within the Project area;
 - C. Solicit and disclose comments from the Montana

Department of Fish, Wildlife and Parks regarding the impact of the Project on wildlife habitat;

D. Solicit and disclose comments from the Montana Department of Environmental Quality regarding the impact of the Project on water quality;

E. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area;

F. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;

G. Disclose the snag densities in the Project area, and the method used to determine those densities;

H. Disclose the current, during-project, and post-project road densities in the Project area;

I. Disclose the Flathead National Forest's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;

J. Disclose the Flathead National Forest's record of compliance with its monitoring requirements as set forth in its Forest Plan;

K. Disclose the Flathead National Forest's record of compliance with the additional monitoring requirements set forth in previous DN/FONSI and RODs on the Flathead National Forest;

L. Disclose the results of the field surveys for proposed, candidate, threatened, endangered, sensitive, and rare plants in each of the proposed units;

M. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations;

N. Disclose the impact of the Project on noxious weed infestations and native plant communities;

O. Disclose the amount of detrimental soil disturbance that currently exists in each project area from previous cutting, burning and grazing activities;

P. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation;

- Q. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/remediation;
- R. Disclose the analytical data that supports proposed soil mitigation/remediation measures;
- S. Disclose the timeline for implementation;
- T. Disclose the current level of old growth forest in each third order drainage in the Project area;
- U. Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;
- V. Disclose the historic levels of mature and old growth forests in the Project area;
- W. Disclose the level of mature and old growth forest necessary to sustain viable populations of dependent wildlife species in the area;
- X. Disclose the amount of mature and old growth forest that will remain after implementation;
- Y. Disclose the amount of current habitat for forest dependent species in the Project area;

Z. Disclose all Forest Plan standards that apply to this proposal and please demonstrate that the project complies with all of them;

AA. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation;

BB. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation;

CC. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review;

DD. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy of the Forest Plan old growth juniper standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

EE. Disclose how Project complies with the Roadless Rule;

FF. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;

GG. Please disclose how this project will enhance wildlife habitat;

HH. Please disclose how this project will degrade wildlife habitat;

II. Please explain the cumulative impacts of this proposed project.

JJ. Disclose maps of the area that show the following elements:

1. Past, current, and reasonably foreseeable logging units in the Project area;
2. Past, current, and reasonably foreseeable grazing allotments in the Project area;
3. Density of human residences within 1.5 miles from the Project unit boundaries;
4. Hiding cover in the Project area according to the Forest Plan definition;
5. Old growth forest in the Project area;

6. Big game security areas;
7. Moose winter range;

Please analysis the cumulative effects of this project including expected future development such as requests for permits for back country skiing and helicopter tours. The Ninth Circuit ruled in Conner v. Buford the all connected actions have to be analyzed.

Do you expect more snowmobile use? How will this impact lynx and wolverines?

Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following actions: recreation, and cutting of trees and shrubs

What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?

When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including burn units be planted or reseeded with native plant species?

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is “the most critical component of a weed management program.” The Forest Service’s national management strategy for noxious weeds also recommends “develop[ing] and implement[ing] forest plan standards . . .” and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards are in the Flathead Forest Plan to address noxious weed infestations? Please include an alternative in the that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards

violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities.

Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.

Rare Plants

The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as “sensitive species” designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive plants. Herbicide application – intended to eradicate invasive plants – also results in a loss of native

plant diversity because herbicides kill native plants as well as invasive plants. Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed. Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.

What threatened, endangered, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project?

Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat. Will prescribed burning occur in the spring and early summer; please give justifications for this decision using current scientific studies as reference.

Demonstrating that all wildlife species will be benefited by this project would seem to require some rather extensive documentation to the public, none of which was provided in the scoping notice. We believe that the NEPA requires the agency to adequately demonstrate that the determination that this project will benefit all wildlife species needs to be included in the public involvement process, which in this case is scoping.

The proposed action is very extensive for conclusions that it will not significantly change and degrade conditions for wildlife. It is not clear how this was determined. Please do a better job analyzing this.

Overall, this scoping notice is a huge violation of the NEPA because the public is provided essentially no information as to why this project will benefit wildlife. The CE exemption for this project is defined as “wildlife habitat improvement activities.” At a minimum, the agency needs to demonstrate to the public that this is in fact the case. The scoping notice also did not provide any information as to how the resource specialists determined that the project will not lead to any significant effects on wildlife. These conclusions need to be documented for the public, including criteria that were used and evaluated to measure levels of significant impact. As

just one question, if the Forest Plan standard to manage this area to promote big game species on their winter range is not being followed, this would most likely trigger significant impacts. It seems like that this is an intentional Forest Plan violation to promote livestock grazing over wildlife in this landscape. Juniper removal has been a long-standing practice to promote livestock grazing, not wildlife. The scoping notice did not discuss the current grazing use of this area by livestock. This information needs to be included as important information to the public.

Finally, the scoping notice is a violation of the NEPA because the fact that these activities are being planned in the IRAs without an analysis of the impact of the project on wilderness characteristics is never specifically noted in the notice.

Overall, the scoping notice is devoid of any useful information to the public as to why this project enhances wildlife habitat, or is needed to maintain natural ecosystem processes within an IRA. If juniper is so flammable, it is not clear why it has to be slashed before it can be burned. It is clear that this project requires much more information to

be provided to the public, and much more documentation to justify vegetation management within IRAs. And as previously noted, the criteria which the resource specialists used to estimate the level of impact needs to be provided, as well, to the public. It seems readily apparent that this project requires at a minimum an environmental assessment in order to comply with the NEPA, including the provision of valid, reliable information to the public when the Forest Service is planning resource management activities.

Thank you for your time and consideration of our comments.

Sincerely yours,

Mike Garrity
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