

Anthony B. Botello
Forest Supervisor
Flathead National

May 13, 2025

Re: Holland Lake Lodge Special Use Permit Issuance Proposal # 67937

Electronic comments submitted via: <https://cara.fs2c.usda.gov/Public/Commentinput?Project=67937>

Dear Mr. Botello,

Thank you for the opportunity to comment on the 2025 proposal for Holland Lake Lodge Holland Lake Lodge Special Use Permit Issuance Proposal # 67937. I commented on the previous proposal in October 2022 and am including these by reference, along with comments on this proposal. Both documents are attached. While the project appears downscaled from the POWDR proposal, the 20-year time frame for the permit is unnecessarily open and leads to an unbound potential for some not significant level of expansion. Also, I might have missed it but was unable to find a site map or drawing referenced in the Draft Operation & Maintenance Plan. As far as I can tell it was not attached to the operating plan or the scoping letter.

Another major difference is that the current proposal lacks adequate detail, is unclear, if not cryptic or conflicting. For example, the scoping letter states, “The proposal includes operating 7 days a week, from June through October each year”. While the Draft Operation & Management Plan, Section II Operation, states, “Dates of Operation: Year-round,” Please clarify which one is correct.

I hope that you read my initial comments that I’ve included as many concerns I previously expressed remain. Here I focus on the inadequacy of a CE. Much more relevant detail is found in my 2022 letter.

Categorical Exclusion (CE) is not appropriate for the proposal given the environmental sensitivity and extraordinary circumstance present in the area.

A qualifying proposed action may be categorically excluded from further analysis and documentation if there are no extraordinary circumstances. The scoping letter states, “Based on a preliminary assessment of this proposal, this action appears to be consistent with a categorical exclusion, and the proposed project would be excluded from documentation in an environmental impact statement or an environmental assessment under 36 CFR 220.6(d)(11)”. The details provided do not assure that the proposal is limited to, “Issuance of a new special use authorization to replace an existing or expired special use authorization, when such issuance is to account only for administrative changes, such as a change in ownership of authorized improvements or expiration of the current authorization, and where there are no changes to the authorized facilities or increases in the scope or magnitude of authorized activities. The applicant or holder must be in compliance with all the terms and conditions of the existing or expired special use authorization.”

However, nearly all of the following extraordinary circumstances are present and disqualify the HLL2 proposal from a CE and move it toward an EA if not an EIS.

(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; 10/3/22, 3:56 PM 36 CFR § 220.6 - Categorical exclusions. | CFR | US Law | LII / Legal Information Institute https://www.law.cornell.edu/cfr/text/36/220.6_2/16

(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.

Scoping is the means to identify presence or absence of extraordinary circumstances and also to reveal any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects. Scoping complexity should be commensurate with project complexity (36 CFR 220.6(c)).

I'm including by reference an excerpt from the October 5, 2022 letter submitted by Martin Nie Director of the Bolle Center for People and Forests and Professor of Natural Resources Policy at UM:

"to abuse this tool [CE] is to risk the agency's credibility and social license. The intention to categorically exclude such a significant action sends a message that CEs are being used not as a way to do NEPA more efficiently, or to make better decisions—which is the whole point of NEPA—but rather a way to avoid the use of best available science and informed public participation in public lands management. The backlash is already evident and I'm afraid it will taint future good faith efforts aimed at actually improving the USFS's implementation of NEPA.

"USFS regulations prohibit the use of CEs where there are "extraordinary circumstances" related to the proposed action, such as having federally listed threatened or endangered species in the project area or other special resource conditions. The ecological setting of Holland Lake provides a textbook example of extraordinary circumstances that warrant closer environmental analysis and full public participation."

I had hoped that since the 2022 fiasco with the first proposal, the Flathead National Forest would have recognized conditions at Holland Lake and surrounding Swan Valley as rich examples of extraordinary circumstances that preclude a CE. Federally listed species, wetlands and unique riparian areas, designated lands and more, demonstrate the inadequacy of a CE. It should be apparent that extraordinary circumstances abound in and around Holland Lake Lodge. It will be interesting to see if and how you justify otherwise.

In the scoping letter you state, "While this specific type of categorical exclusion does not require a project file or decision memo, I do plan on documenting the decision including the determination whether the proposal meets the above category and whether there are no extraordinary circumstances related to the proposal. I will determine whether any extraordinary circumstances are present while assessing the proposal, and if so, what degree these potential effects may have on these resources. Additionally, I will also affirm whether the proposal meets our forest plan direction and other applicable laws." This statement is patronizing to an active, involved and informed citizenry. The proposal disrespects the local community and controversial nature of the project.

Please withdraw this proposal, redo scoping, present a detailed master plan on which the public can comment, and move forward with an EA, if not an EIS to arrive at a decision that best serves the public interest and the public lands. This proposal is inadequate.

Please refer to my initial letter in October 2022 for more details that are still relevant.

Thank you for your consideration.

Respectfully,

/Claudia Narcisco