



*Protecting and restoring forests on New England's public lands
Montpelier, VT*

September 8, 2025

USDA Forest Service
Green Mountain and Finger Lakes National Forests
c/o Chris Mattrick, District Ranger
99 Ranger Road
Rochester, VT 05767

RE: Scoping for South Pond Hut Special Use Permit and Project-Specific Forest Plan Amendment (68586)

Dear Ranger Mattrick,

Standing Trees respectfully submits the following comments in response to the United States Forest Service ("Forest Service") August 6, 2025 invitation to comment regarding the South Pond Hut Special Use Permit and Project-Specific Forest Plan Amendment (SUP).

In addition to the comments below, Standing Trees supports and incorporates herein by reference the comments of Galina Chernaya dated August 29th, 2025.

Introduction:

Standing Trees is a grassroots community nonprofit founded by volunteers in 2020 for the purpose of advancing policy and legal solutions that protect and restore New England's native forests, with a focus on Vermont and New Hampshire. The organization came together, in part, as a response to an increase in proposed and approved logging on the Green Mountain National Forest ("GMNF"). Standing Trees works to ensure that New England's public lands are managed using just and equitable policies and practices that support the region's citizens and natural ecosystems alike. This includes managing public lands and waters to maximize carbon storage and protect clean water, clean air, public health, and intact habitat for the region's native biodiversity. Standing Trees has many members who regularly visit and recreate throughout GMNF, including in the areas that would be impacted by the SUP.

The SUP is a major federal project that significantly affects the human environment along the crest of the Green Mountains in the town of Chittenden, VT. The National Environmental Policy Act (NEPA) requires that before undertaking such a project, the Forest Service must gather sufficient information to make an informed decision, and provides for public involvement in this decision-making process. The Green Mountain National Forest (GMNF) 2006 Forest Plan has exceeded its intended 10-15 year lifespan according to the National Forest Management Act.

The project is inconsistent with 36 CFR 220.6(e)(16) and 36 CFR 220.6(e)(3), which are both cited in the project documents as justification for employing a Categorical Exclusion (CE) from NEPA. Standing Trees has repeatedly attempted to bring attention to the improper use of CEs instead of Environmental Assessments (EAs) or Environmental Impact Statements (EISs) in past comments; nevertheless, this troubling practice persists both nationally and locally.

For the aforementioned reasons and others listed below, the GMNF violated NEPA when it decided to move the SUP forward with a CE instead of an EA or EIS. Even if the SUP was a reasonable project, which it may be, the Forest Service has failed to justify the SUP or to follow its own review processes. This is arbitrary and capricious and a failure to properly implement NEPA.

In conclusion, the SUP should be evaluated properly in an EA or EIS before it is approved, not rushed through an abbreviated public process.

Failure to provide basic information

As noted in the comments of Galina Chernaya, there is insufficient information provided by the GMNF to help commenters provide input and feedback. The SUP application and supporting documentation submitted by the Vermont Huts Association (VHA) is missing from the project webpage. In addition, there is:

- no information about the duration of the proposed permit;
- no architectural drawings or models provided of the proposed hut;
- no information about the cost of rental;
- and no information about whether there may be preferential treatment given to VHA members for reservations (which is the case with other VHA huts and wholly inappropriate in the context of public lands).

Is the public to assume that this land will be gifted for commercial use in perpetuity by the SUP applicants? This equates to a private taking of public land.

The SUP does not meet the criteria for Categorical Exclusion

36 C.F.R. § 220.6 Categorical Exclusions reads as follows (with emphases added in yellow):

(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 extraordinary circumstances highlighted above are ignored by the Forest Service's analysis. This CE is inappropriate based on extraordinary circumstances including, at a minimum: a) possible impacts to endangered species including Northern Long-Eared Bats, Indiana Bats, and Canada Lynx, as well as candidate species including the Tri-Colored Bat; b) the likely and at least unknown presence of American Indian cultural sites, and d) the likely and at least unknown presence of other archaeological sites or historic areas.

Standing Trees previously made the Forest Service aware that Northern Long-Eared Bats and Indiana Bats were positively identified within two miles of the SUP in recent years based on information provided by the Vermont Department of Fish and Wildlife (see Standing Trees comment dated June 4th, 2025), and the Forest Service admits in the Telephone Gap Integrated Resource Project (TGIRP) Final Environmental Assessment that a bat hibernaculum exists in Blue Ridge Cave, located less than three miles away. In addition, the Forest Service is well aware that Canada Lynx have been identified in the TGIRP project area (surrounding the SUP) within the last two years (TGIRP Final EA). How will the construction of a ridgeline lodge

directly and indirectly impact these and other threatened and endangered species or candidate species? An EA or EIS is necessary to explore these potential impacts.

Furthermore, the SUP does not meet the requirements of 36 CFR 220.6(e)(16) and 36 CFR 220.6(e)(3). The Forest Service omitted key examples of projects that would meet the criteria of this CE. 36 CFR 220.6(e)(3) states in full that:

(e) Categories of actions for which a project or case file and decision memo are required. A supporting record is required and the decision to proceed must be documented in a decision memo for the categories of action in paragraphs (e)(1) through (25) of this section. As a minimum, the project or case file should include any records prepared, such as: The names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo; and a list of the people notified of the decision. If the proposed action is approval of a land management plan, plan amendment, or plan revision, the plan approval document required by 36 CFR part 219 satisfies the decision memo requirements of this section.

(3) Approval, modification, or continuation of special uses that require less than 20 acres of NFS lands. Subject to the preceding condition, examples include but are not limited to:

- (i) Approving the construction of a meteorological sampling site;*
- (ii) Approving the use of land for a one-time group event;*
- (iii) Approving the construction of temporary facilities for filming of staged or natural events or studies of natural or cultural history;*
- (iv) Approving the use of land for a utility corridor that crosses a national forest;*
- (v) Approving the installation of a driveway or other facilities incidental to use of a private residence; and*
- (vi) Approving new or additional communication facilities, associated improvements, or communication uses at a site already identified as available for these purposes.*

None of the examples listed above even come close to resembling the Proposed Action, which is to construct **permanent lodging for commercial recreational use for the benefit of a single private entity.**

36 CFR 220.6(e)(16) says in full:

Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR part 219 et seq. that provide broad guidance and information for project and activity decisionmaking in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

This, too, appears to be inappropriately applied to the SUP. Other than excluding the SUP from the surrounding Diverse Backcountry Management Area, the proposed Forest Plan Amendment does not contain any “broad guidance and information for project and activity decisionmaking in a NFS unit.” In fact, the Forest Plan amendment contains no details, whatsoever. The sole purpose of the Forest Plan amendment is to “approve projects and activities,” which are noted to be functions that “are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.”

The SUP does not meet criteria for Recreation Rental Cabins in FSH 2309.13-2018 13.3

The US Forest Service maintains a large number of rental facilities, nationwide, but – to the best of our knowledge – these sites are all rented through Recreation.gov and provide generally *low-cost* use of *existing and historic* cabins, fire lookouts, ranger stations, and similar facilities. The US Forest Service handbook does not even consider the construction of new rental cabins, much less the construction of new rental cabins by private parties for private financial benefit, where the cost of a night’s stay is little or no different from a standard rental house offered via a private service like Airbnb or VRBO.

Forest Service Handbook 2309.13-2018 13.3 states:

13.3 - Recreation Rental Cabins

1. Identify opportunities to preserve and maintain historic buildings under the recreation rental cabin program. Preserve the historic character of recreation rental cabins by selecting appropriate furnishings, restoration materials such as paint color, flooring, and landscaping.
2. Complete a recreation rental cabin feasibility plan for the administrative unit or ranger district.
3. Complete an analysis to address demand, needed capital improvements, and long-term maintenance for recreation rental cabins.
4. Select potential recreation rental cabins that will meet the national quality standards (FSH 2309.13, sec. 53.1- 53.14).

5. Recreation rental cabins must comply with ABAAS.

In the case of the SUP, a new structure is proposed for rental via a private organization. Members of this private organization could have preferential benefits for reserving the cabin based on other huts rented by VHA in Vermont. No information has been provided as to how much the rental will cost, how hut rental income will be distributed, or what (if any) funds will go to the public as payment for use of public lands. Is this a lease? If so, what is the length of the lease? What happens to the hut when the lease runs out or the special use permit is not renewed?

Cumulative Impacts

The GMNF has already approved other Vermont Hut Association huts. The Vermont Huts Association has indicated a clear desire to construct additional huts in a variety of settings across the GMNF to create a system or network. A *Vermont Sports* article, dated November 13, 2020, suggests a Vermont Hut Association vision of “30-45 Vermont Huts” (<https://vtsports.com/vermont-hut-and-trail-system-wins-526k-grant/>). The Vermont Hut Association website reads:

“Working with representatives from Green Mountain National Forest, Vermont Forests, Parks, and Rec., Rochester/Randolph Area Sports Trail Alliance, Vermont Mountain Bike Association, Green Mountain Club, and the Catamount Trail Association, we will begin to identify approximately 20-30 zones across the state which may host a new hut. Priority will be given to backcountry zones hosting multi-use trails (hiking/mountain biking/skiing) or where trails closely parallel one another and could be connected via a spur trail with the hut located in the middle.” (Available for viewing at: <https://vermonthuts.org/mapping-our-future/>)

As we previously noted in our 7/11/22 comments on the Silver Lake proposed hut, this SUP should be reviewed for its cumulative impact (in conjunction with other past, ongoing, and reasonably foreseeable hut proposals) in addition to its local impact. So far, each project has been treated as an isolated event. This level of analysis is insufficient under the National Environmental Policy Act and cannot be addressed through a CE. How many huts will be built on the GMNF? How many will be proposed for construction in campgrounds? How many in backcountry settings?

The 2006 GMNF Forest Plan should be revised before any decision is made

The 2006 GMNF Forest Plan makes no mention of the possibility of or desire for hut construction. The Forest Service points to Forest Plan Goals 12 and 18 as justification, but these goals are so broad as to be meaningless. Further, the Forest Service has made no attempt to demonstrate that this hut is “sustainable” or is a “complement” to “recreation opportunities...provided off National Forest System lands” (Project Proposal at 2).

The lands in question in the SUP were recently acquired by the GMNF, and management of those lands has never gone through a NEPA review with requisite public comment opportunities, alternatives analysis and cumulative impacts analysis. The last time an EIS was conducted for this area (during the 2006 Forest Plan revision process), the Forest Service determined that this portion of the GMNF qualified for the Diverse Backcountry Management Area, which is supposed to have “[a] predominantly natural or natural-appearing environment characterizes the area,” and be “predominantly void of roads” and “any remaining roads will be of a low maintenance standard and unimproved.”

Importantly, G-1 for the Diverse Backcountry Management Area says that “Segments of old roads or skid trails, not on the Forest Service Transportation System, and that are not necessary for managed recreation, vegetation, or timber purposes, should be closed and restored.” The South Pond Admin Access Road shown in the “Project Map” does not appear on the 2024 Motor Vehicle Use Map. Has the GMNF performed any analysis of the costs and benefits of allowing this road to exist or to be improved? According to the current management direction, this road “should be closed and restored.” Also, the Project Map depicts what it calls a “Snowmobile Trail (New),” but there is no analysis provided of why this trail is necessary or beneficial, or what the impacts (positive or negative) might be from its establishment. An EA or EIS is necessary to determine the possible impacts of these proposed travel management changes, and if a change is justified, the GMNF must also update its Motor Vehicle Use Map.

The presence of a new hut and a permanent road will degrade the values of the surrounding Diverse Backcountry Management Area, beyond the footprint of the SUP. Will the presence of a new hut and a high-standard road lead to a reduction in protections for the surrounding landscape when the Forest Plan is revised? This potential impact should be considered in an EA or EIS. Finally, the recent land acquisition may qualify the SUP footprint and surrounding lands as an Inventoried Roadless Area per the Planning Rule Chapter 70 Wilderness Inventory and Analysis process that will occur when the Forest Plan is revised.

A decision to authorize a permanent lodge in a backcountry setting should not be made before the surrounding landscape is properly analyzed by the Forest Service and the public for its highest and best uses, with consideration of alternatives. There is no rush to approve this hut. Instead, the Forest Service should complete a Forest Plan revision before making any decisions that tie its and the public’s hands when the revision process commences.

An alternatives analysis could reveal project improvements

By choosing to use a CE instead of an EA or EIS, the Forest Service has foregone the opportunity for an alternatives analysis that could have improved the SUP. What if the structure used no fossil fuels at all, eliminating the need for propane deliveries in a backcountry setting? What if design elements could be incorporated that reduced harm to birds or bats? What if there are more appropriate locations for a road-accessed hut? What if, instead of building a hut in the

proposed location, the road to South Pond was decommissioned and naturalized to enhance the backcountry values of the Diverse Backcountry Management Area? Instead, the proposed hut will degrade the values currently present, and could lead to greater impacts in the future from increased vehicle traffic and recreation.

Instead of crowd-sourcing and reviewing ideas provided by the public, the Forest Service has chosen to assume that the proponents' proposal is the only and best way to accomplish the project. An EA or EIS would help to correct this assumption.

Recommendation and Conclusion

If the SUP is warranted, the Forest Service should demonstrate why it is in the public interest, comply with all relevant laws, provide an accurate accounting of positive and negative impacts, assess alternatives, and provide opportunities for public comment. Until an EA or EIS is completed, however, this project will be in violation of NEPA and will fail to give the public a chance to fully understand and meaningfully weigh in on the SUP.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Porter". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Zack Porter
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