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Organization: Swan View Coalition, Inc.

Title: Chair

Comments: When CARA was not previously available, we also submitted this Objection to objections-chief@usda.gov.

OBJECTION TO PACIFIC NORTHWEST SCENIC TRAIL DRAFT DN, EA AND COMPREHENSIVE PLANS

Submitted August 24, 2023 to objections-chief@usda.gov because CARA could not be accessed (see Seattle Times legal notice directions)

Lead Objector is Swan View Coalition, 3165 Foothill Road, Kalispell, MT 59901. Co-Objector is Friends of the Wild Swan, PO Box 103, Bigfork, MT 59911. The Project Objected To is the draft Decision Notice (DDN/FONSI) released in July 2023 by responsible official Elizabeth Berger, Acting Regional Forester, Pacific Northwest Region and its associated Environmental Assessment (EA) and Pacific Northwest Scenic Trail Comprehensive Plan (Plan). The narrative description of those aspects of the proposed project is contained in our prior comments on this project, which are included in full in this PDF. Therefore, the Objection Reviewing Officer must read the included comment letters as the contents of our Objection. That is how they relate to one another. In summary, the Project, DDN and EA fail to adequately address any of the concerns raised previously in our included comments. The Project and DN remain supported only by a programmatic EA that leaves essential details, such as setting use limits in grizzly bear security core, up to future "monitoring and adaptive management" at the local level. The DDN and EA refuse to make any adjustments in the Trail location, rather than making necessary adjustments and reporting those back to Congress. The result is a Project for which irreversible commitments of resources have been made that prejudices the selection of alternatives prior to both consultation with the public and the final Decision. The proof is in the pudding in that the DDN and EA provide only one action alternative and refuse to adapt the Trail to current on-the-ground circumstances, laws and policy. The above violates the National Environmental Policy Act in failing to prepare an adequate Environmental Impact Statement, in failing to fully develop and analyze a wide range of alternatives, in failing to take the requisite "hard look" at the environmental consequences of the Trail, and in failing to present those alternatives and analyses to the public. Rather than account for the environmental consequences, the EA simply discounts them. The above violates the Endangered Species Act in failing to avoid jeopardy to and the unlawful taking of listed species like grizzly bear, Canada lynx and bull trout, and in failing to avoid destruction of their critical habitat. In fact, the DDN (p 23) states the "pertinent specialists reviewed the project and made the following determinations for threatened, endangered, proposed, and candidate species and their critical habitat" - then fails entirely to list those determinations. The above violates the National Forest Management Act in failing to ensure that the Trail and its management are and will be consistent with all Forest Plans. Simply saying it will be, then leaving monitoring and compliance up to each Forest doesn't make it so. The above violates the Administrative Procedures Act by failing to describe a rational connection between the facts found, the conclusions reached and the Decision to be made. Simply saying this Trail is environmentally acceptable because it is what Congress ordered, without Congress having had full knowledge of the on-the-ground resources and impacts, is arbitrary and capricious and an abuse of agency discretion. It turns the whole process into a self-fulfilling prophecy, in violation of the public trust and the laws listed above. More details on legal violations are contained in our included prior comments. We ask that an adequate EIS be prepared that develops and analyzes a wide range of alternatives for the Trail, including alternative locations that may need to be reported back to Congress. The EIS must provide adequate detail to provide the requisite "hard look" at all environmental consequences and cumulative impacts - a legal requirement and task that cannot be left up to future piecemeal monitoring and implementation at the local level.

Sincerely, Keith J. Hammer for Arlene Montgomery  
Chair Program Director  
Swan View Coalition  
Friends of the Wild Swan

Enclosures: Prior comments on this Project

PS - The sole link to Detail Maps for the Trail (Plan at 159) leads to a web page requiring the public to "log in with your Box.com account." When we do so, we are told "This shared file or folder link has been removed or is unavailable to you."

COMMENT LETTERS  
April 13, 2023  
Pacific NW Regional Forester's

OfficeAttention: PNW Scenic Trail Comprehensive Plan Comments1220 SW 3rd Ave., Suite 1700Portland, OR 9720Re: PNWST Comments, uploaded via <https://cara.fs2c.usda.gov/Public/CommentInput?project=52259>Dear Folks;These comments are submitted as a single PDF via the above portal on behalf of Swan View Coalition and Friends of the Wild Swan. Rather than repeat ourselves, we have included in this PDF our letters of November 1, 2 and 23, 2016, in this matter, along with their attachments. We ask that they be read in their entirety to flesh out our comments written here today. Page 4 of the Comprehensive Plan rightfully notes that the 1978 joint feasibility study "recommended against designation, citing concerns including potential impacts to wildlife, fragile natural areas, and cultural resources from overuse." These conflicts and impacts are not adequately resolved in either the Plan or its Environmental Assessment. These significant conflicts and impacts require the preparation of an Environmental Impact Statement with the requisite wide range of alternatives aimed at, among other things, alternative routes and alternative means of reducing those conflicts and impacts. Page 12 of the EA simply dismisses any alternatives to the Proposed Action, in violation of the National Environmental Policy Act, because those alternatives may require a further act of Congress or would require serious changes or limitations to the Trail's carrying capacity. In other words, the EA essentially says "to heck with the ideas of rerouting the trail or limiting its carrying capacity in order to reduce impacts to wildlife, fragile natural areas, and cultural resources." That is exactly the opposite of what NEPA requires. Just one example of significant impacts that the Plan and EA fail to adequately address and reduce is the impacts to wildlife, especially grizzly bears, as they are displaced from preferred habitats by human uses of the Trail. Page 8 of the EA finds that the upper estimate of carrying capacity for the Trail is "1,748 thru-hikers per high use season (June 15th to September 15th)." That amounts to an average of over 19 hikers per day (133 per week) over the 90-day period, not including the larger fraction of overall use of the Trail that is comprised of "day-use and short multi-day trips." The best available science was used to set limits for high-intensity non-motorized human use for the 1986 Flathead Forest Plan at "20 or greater parties per week, based on the unified Cumulative Effects Model (April 1990) values." Human use of trails above these levels disqualifies the surrounding areas from providing "security core" habitat for grizzly bears. (See Forest Plan Amendment #19 Appendix D in our attached letters). These limits were also applied to other National Forests with grizzly bears. Clearly, the Trail is estimated to receive human use levels that essentially destroy the surrounding areas as essential "security core" for grizzly bears. But grizzly bears are not the only wildlife negatively affected by non-motorized human activity. Preisler et al (2013) and Naidoo et al (2020), for example, found significant displacement of elk and moose by non-motorized human activity as well. Simply put, the Plan and EA violate NEPA in failing to prepare an EIS with an adequate range of alternatives, including alternatives that may require alteration of the Trail location, design and impacts. Otherwise, there is little point in pretending to apply NEPA at all while a host of other laws written to protect fish, wildlife, the air, the water, and the land are being violated as well. The Trail continues to be promoted, is already marked on maps and on the ground, and is receiving significant human use, even though no Decision has been made - all in violation of NEPA and other environmental laws that prohibit pre-decisional commitments of resources that prejudice the selection of alternatives designed to minimize impacts to the natural and human environments. An EA with only one alternative is not the answer to the problem. Sincerely, Keith J. Hammer for Arlene Montgomery Chair Program Director Swan View Coalition Friends of the Wild Swan Attachments: Letters dated November 1, 2 and 23, 2016 in this matter. Literature Cited Naidoo, Robin & Burton, Cole. (2020). Relative effects of recreational activities on a temperate terrestrial wildlife assemblage. Conservation Science and Practice. 2. 10.1111/csp2.271. Preisler, Haiganoush & Ager, Alan & Wisdom, Michael. (2013). Analyzing animal movement patterns using potential functions. Ecosphere. 4. art32. 10.1890/ES12-00286.1. November 23, 2016 Flathead National Forest Attention: Forest Plan Revision 650 Wolfpack Way Kalispell, MT 59901 Re: Tidbits and Overall Complexity Submitted via [flatheadplanrevision@fs.fed.us](mailto:flatheadplanrevision@fs.fed.us) Dear Folks; This letter is prompted by our November 2 attendance at the Pacific Northwest National Scenic Trail Advisory Council meeting in Whitefish, for which we submitted a letter on November 1 and supplemented it with a second letter on November 2. We enclose those letters in this pdf and intend them as further comment on the Flathead Plan revision process and draft planning documents. We have since November 2 revisited the Flathead Plan revision planning documents and find scant mention of the Pacific Northwest Scenic Trail. Nowhere do your documents mention that this Trail will penetrate existing grizzly bear Security Core and other important wildlife habitats. We go into this violation of Security Core in detail in our enclosed letters. Your DEIS Volume 2, pages 83-87, however, correctly concludes "recreational

use may increase on the trail, with users having more contact with other visitors which may affect the solitude characteristics." We agree that solitude will be diminished and along with it wildlife security, as explained in our enclosed letters. We urge you to read the following article in the New York Times, which confirms that Scenic Trail designation can lead to overuse: "Fewer people have hiked the full Pacific Crest Trail than have reached the summit of Mount Everest. Yet, this year, so many want to hike it that a limit has been placed on permits so that no more than 50 thru-hikers can begin at the Mexican border each day."

<http://www.nytimes.com/2015/05/17/opinion/sunday/nicholas-kristof-what-wild-has-wrought.html> Is this what we want happening at Polebridge; hikers and mountain bikers lining up to head up Hay Creek over decommissioned roads and trails, through what is supposed to be grizzly bear Security Core? Hardly! It was clear from the November 2 meeting that the cart is way ahead of the horse where planning of the PNW Trail is concerned. Booster clubs are already urging people to use the Trail and bragging about its alleged economic benefits to local economies, yet there is hardly a mention of the negative effects of trail crowding and impacts to wildlife and backcountry solitude. We note on the PNW Trail Association web site, however, that in 1980 a joint National Park Service and U.S. Forest Service study found the trail was "neither economically feasible nor desirable." So where is discussion of these findings in the Flathead's planning documents? It appears what we have here is another bad idea that found its way into legislation through a backdoor attachment to the 2009 Farm Bill. We will let our enclosed letters speak for themselves but here ask that the Flathead NF clearly disclose the negative consequences of this Trail designation in its FEIS and disallow its location in the backcountry of the Forest. Thank you for this opportunity to comment. Sincerely, Keith J. Hammer

Chair

Enclosures: November 1 and 2, 2016, letters to the Pacific Northwest National Scenic Trail Advisory Council

November 1, 2016

Pacific Northwest National Scenic Trail Advisory Council

Comments submitted as pdf via email to [pnnstcomments@fs.fed.us](mailto:pnnstcomments@fs.fed.us)

Dear Advisory Council members;

We have visited the web site and reviewed the map of the proposed Trail. We have grave concerns about the impacts this trail would have on fish, wildlife and other public resources in addition to the already substantial press of backcountry recreation resulting from increased human populations and new technologies like mountain bikes and e-bikes (electric-assist mountain bikes). For the reasons that follow, we would urge you to shift the location of the Trail to frontcountry roads and bike paths, rather than add impacts to backcountry trails that should remain secure habitats for fish and wildlife and offer less frequently visited trail experiences for those seeking quiet backpacking and hiking. We will speak mainly about the Flathead National Forest, which we know best, but our comments can be applied to other public lands as well. The Trail is inappropriately planned to run through high-value roadless lands and wildlife habitats in the Flathead's North Fork and Whitefish Range. In the upper end of Hay Creek, for example, the Trail would run along a portion of Road 376 that was decommissioned to provide Grizzly Bear Security Core habitat as required by Flathead Forest Plan Amendment 19. While the decommissioned road may be used as a nonmotorized trail following consultation with Fish and Wildlife Service, if any trail receives more than 20 parties per week of non-motorized use it is considered to have impacts similar to a motorized trail and hence disqualifies habitat 500 meters on each side of the trail from being considered Security Core. The same holds true where the Trail is proposed to run along Whitefish Divide Trail 26 north from Red Meadow Road. This trail is similarly located in Security Core habitat that will be secure no more if human use is boosted above 20 parties per week - something this Trail designation may very well do. We have attached Amendment 19's Appendix D so you can read how roads and trails must be managed to provide Security Core habitat. We have also attached a 7/18/94 Interagency Grizzly Bear Committee report describing how non-motorized human access indeed has impacts to grizzly bears in terms of both displacement and actual mortality: As more people penetrate into grizzly bear habitat, more bears are killed or removed from the population as the number of bear/human conflicts rises. The correlation between increased visitor use and grizzly bear problems has been documented in many areas. Encounters are especially common when recreation occurs within or near prime grizzly bear habitat. More recently and more particularly, Montana Dept. of Fish, Wildlife and Parks has found mountain biking poses a serious threat to both riders and bears: In recent years, technology has created mountain bikes that are able to be ridden on a wide variety of trails and terrain. This has caused an increase in negative encounters between mountain bikers and grizzly bears, often resulting in a very bad situation for the mountain bikers. While there is always the potential for conflicts between recreationists and grizzly bears, mountain bikers provide a unique situation. Mountain bikers typically travel quietly, at fast speeds, with their attention on the immediate trail in front of them, rarely able to scan the trail and

surrounding area for bears. This type of activity in prime grizzly bear habitat is a recipe for disaster. (Tim Manley letter attached). Indeed, an off-duty Flathead National Forest law enforcement officer was killed this summer when he ran into a grizzly bear while mountain biking at high speed.

(<http://flatheadbeacon.com/2016/07/02/search-bearkilled-man-near-glacier-park-winds/> ). We can expect the mountain bike community to press for access to the proposed Trail, other trails and even existing Wilderness areas, as it already has in numerous comments on the proposed revised Flathead Forest Plan.

(<https://cara.ecosystem-management.org/Public/ReadingRoom?Project=46286> ). To view using Google Earth how the Flathead displays and buffers out Security Core habitat by 500 meters from any motorized road or trail OR any high-use (>20 parties per week) non-motorized trail, use the appropriate kml files provided at:

[http://www.fs.usda.gov/detailfull/flathead/landmanagement/gis/?cid=fsm9\\_042517&width=full](http://www.fs.usda.gov/detailfull/flathead/landmanagement/gis/?cid=fsm9_042517&width=full) View the Jewel Basin Hiking Area in the northern Swan Range, for example, to see how high-use hiking trails disqualify the heart of the Hiking Area from being considered Security Core. Then view the proposed route of the Trail to see the amount of Security Core habitat at stake there. Also at issue here is the fact that 96% of Americans appreciate designated Wilderness and 70% of them want more of it (DEIS Vol. 2, page 56, Revised Flathead Forest Plan). Similarly, some 35,000 Americans recently told the Flathead National Forest they want all roadless lands recommended and managed as wilderness and want Amendment 19 grizzly bear management carried forward into its revised Forest Plan. ([https://cara.ecosystem-](https://cara.ecosystem-management.org/Public/ReadingRoom?Project=46286)

[management.org/Public/ReadingRoom?Project=46286](https://cara.ecosystem-management.org/Public/ReadingRoom?Project=46286) ). In short, the Trail is proposed to run through Inventoried Roadless Areas, other areas the Flathead has identified as suitable for wilderness via its planning process, and areas it has said it may very well recommend as wilderness in various alternatives in its DEIS. Americans seek out wilderness for non-mechanized backcountry experiences and solitude. The Trail will detract from these wilderness attributes and experiences even if it doesn't allow mountain bikes - and all the worse if it does! Listen to the 35,000 people who recently commented on the Flathead Forest Plan: help maintain the wilderness attributes of all roadless lands, help keep all uses that don't conform with The Wilderness Act out of those roadless lands, and help continue securing more grizzly bear habitat through Amendment 19. Glacier National Park and the Flathead National Forest are already experiencing record numbers of visitors as outdoor recreation is promoted and businesses continue to develop more expedient ways for the public to visit their lands. This area frankly does not need the "booster club" of a Scenic Trail designation in the backcountry. What America and this area do need are safer opportunities for people to enjoy the front-country on foot and bike through a better system of foot and bike trails that allow them to travel off-highway. We urge you to pursue this route for connecting Glacier Park to the West Coast, rather than promote a largely backcountry trail that will bring more and more people into conflicts with wildlife and one another's solitude. Thank you for this opportunity to comment. Sincerely, Keith J.

HammerChairAttachments:Flathead Forest Plan Amendment 19's Appendix D7/18/94 Interagency Grizzly Bear Committee report by Kate Kendall 7/11/13 MDFWP letter by Tim Manley