

**From:** Michael Sherman <masherm13@gmail.com>  
**Sent:** Wednesday, December 25, 2019 8:37 AM  
**To:** FS-appeals-northern-regional-office  
**Subject:** Objection: Crystal Cedar Draft DN and FONSI"

**BEFORE THE OFFICE OF THE REGIONAL FORESTER REGION ONE – USDA FOREST SERVICE**

**Objection Reviewing Officer**

**Michael and Susan Sherman**

Objector

v.

**CHIP WEBER**

**FLATHEAD FOREST SUPERVISOR )**

Responsible Official )

)

)

) **NOTICE OF OBJECTION**

) **PURSUANT TO**

) **36 CFR 218**

)

**DECISION OBJECTED TO:**

Crystal Cedar Project Draft Decision Notice and Finding of No Significant Impact (hereafter Crystal Cedar, Project, Planning Process, DN and FONSI)

Hungry Horse – Glacier View Ranger District

Chip Weber, Flathead Forest Supervisor

**OBJECTOR:**

Michael and Susan Sherman

We have been residents of the Flathead Valley for the past 25 years. We chose to live in this beautiful area, to be near exceptional outdoor recreational opportunities. Being avid hikers, bikers, paddlers, climbers and skiers for over two decades we have watched the growth in people seeking the same activities in local open spaces. Therefore we would greatly appreciate another venue for year round use. With the valley population growth the need for additional trails is paramount! The Crystal Cedar area would be a perfect place for allowing cross country skiing. Especially, since there is no arena for groomed Nordic skiing in the Columbia Falls community. Please, give the low impact activity of cross country skiing the full consideration it deserves. If a new trail system will be established in the Crystal Cedar area, then there seems to be no reason to leave out Nordic skiing given the trails would be otherwise idle in the winter. We believe in the adage, "if you build it, they will come". We have seen this true for trail systems across the valley, bringing locals and tourists to our areas spending money and boosting our local economy as well as the improvement of our communities health and well being.

I hope you seriously consider our request,

Michael and Susan Sherman



## OBJECTION

The Crystal Cedar DN and FONSI does not comply with procedural and substantive requirements of the National Environmental Policy Act (NEPA). Members of the public submitted comments in the scoping and draft EA stages requesting Nordic ski trails be analyzed in the Crystal Cedar Planning Process. The FNF is obligated to analyze issues identified through public comment submitted in a timely fashion and within the project purpose. Nordic ski trails are consistent with the first purpose stated in the Crystal Cedar Scoping Document released October 15, 2018 which was to “Provide sustainable trail-based recreation opportunities close to local communities that are compatible with other resources”(Crystal Cedar Scoping Document page 1). Despite meeting the project purpose requirements, FNF staff elected instead to ignore public comments requesting investigation of Nordic ski trails in the Crystal Cedar Planning Area. FNF staff failed to provide defensible evidence supporting their internal decision not to analyze Nordic ski trails.

Members of the public participated in the Crystal Cedar planning process in good faith. The NEPA process is the only opportunity for the public to have a voice in management of our public forests. Intentionally omitting legitimate issues identified by the public is a clear procedural violation of NEPA.

Because of the procedural violations, the Crystal Cedar EA omitted the required objective investigations requested by the public. The FNF’s draft DN and FONSI lacks the substantive analysis requested by the public. As a result, the draft DN and FONSI is not supported by documents in the administrative record of this NEPA proceeding.

## REASONS FOR OBJECTION

[INSERT REASONS HERE—BULLETS PROVIDED BELOW. PLEASE USE THESE TO WRITE YOUR OWN PARAGRAPH—ONLY NEEDS TO BE A FEW SENTENCES]

I submitted comments in the Crystal Cedar EA process in good faith.

I am personally disappointed the FNF ignored my comments and those of others to steamroll what appears to be their predetermined outcome for the Crystal Cedar Planning Process.

The FNF was put on notice in pre-scoping and throughout the process by members of the public including the City of Columbia Falls that winter recreation and, in particular, Nordic ski trails should be analyzed in the Crystal Cedar EA.

Instead, the FNF systematically ignored public comments from each step of the Crystal Cedar EA.

I expected the FNF to evaluate my request to investigate Nordic ski trails in this process objectively. Nordic ski trails, deserve the same level of investigation and analysis as summer hiking, biking and equestrian trails.

The FNF made an internal decision that Nordic ski trails conflict with all other forms of winter recreation and therefore created problems outside the scope of this analysis. The FNF failed to provide factual evidence to

support their opinion. Opinions are allowed in NEPA but opinions do not waive the requirement to perform objective analysis.

Nordic ski trails were never provided an opportunity to be objectively investigated because the FNF made the determination that resolving user conflicts was outside the scope of the Crystal Cedar Project. Using that logic, all the items under consideration in this project purpose should be outside of the scope of this document based simply on opposing comments listed in Appendix B. Public land management always generates conflict. One of the purposes of the NEPA process is to work through those conflicts in a fair and objective manner. The FNF did not allow that process to occur in the Crystal Cedar Planning Process.

Because the FNF refused to include Nordic ski trails there was never an opportunity provided to develop a proposal. Contrary to the FNF opinions, Nordic ski trails are compatible with other winter recreation activities. Numerous examples exist throughout the western states including Montana where motorized and non-motorized winter recreationists utilize the same parking infrastructure to access their respective designated trail networks. NEPA requires public land managers to base decisions on factual evidence not staff opinions with limited experience or knowledge.

The FNF failed to produce factual evidence, Decision Notice, administrative rules or regulations to support their decision not to investigate Nordic ski trails in the Crystal Cedar Planning Process.

The 2003 FEIS for Winter Motorized Travel on the FNF (Forest Plan Amendment 24) clearly states that it does not include an analysis of the environmental effects of Nordic ski trails. The purpose of the FEIS was to analyze opportunities on the FNF for recreational snowmobiling. The FEIS clearly stated that using a snowmobile to groom Nordic ski trails is not the same activity as recreational snowmobiling. Therefore 2003 Winter Motorized Travel Decision Notice does not excuse the FNF from analyzing Nordic ski trails in the Crystal Cedar Planning Process.

Interestingly, the Winter Motorized Recreation FEIS points out one of FNF's management objectives in the previous Forest Plan "Develop additional cross-country ski trails where increased demand exists (p 3-15).

### **RELIEF**

The draft DN and FONSI fails to consider public requests to investigate Nordic trails in the Crystal Cedar Planning Process. The FNF must restart the Crystal Cedar Planning Process. The new environmental review must include an objective investigation of Nordic ski trails in the Crystal Cedar Planning Area. Objective analysis must include a comprehensive examination of conditions and opportunities in the planning area including inventory of the existing trail and road network, evaluation of other recreation activities in the planning area, FNF proposed timber harvests, potential parking areas, access roads and wildlife resources. The FNF should be required to develop a range of Nordic ski trail alternatives designed, in part, to mitigate potential conflicts with other users and avoid negative effects on other resources.

## **CONCLUSION**

Developed Nordic skiing opportunities are limited in the Flathead Valley. Demand for the current Nordic ski opportunities exceed the parking capacity at trailheads. The population in the Flathead Valley is projected to double in the next 10-years. Rising temperatures will likely result in the closure of Nordic ski trails on the Whitefish Golf Course. This likely closure along with a doubling of the population will lead to increasing demand for a decreasing number of parking spaces to access Nordic trails.

Creating new Nordic ski opportunities on adjacent FNF lands requires an environmental review planning process. The universe of locations on the FNF where Nordic ski trails could be developed is limited due to seasonal wildlife closures. The Crystal Cedar Planning Area was identified in the new FNF Forest Plan as an area for focused recreation development. The Crystal Cedar Project Environmental Assessment (EA) is the logical process for the FNF to evaluate Nordic ski opportunities.

The FNF must not approve the Draft DN and FONSI for the Crystal Cedar EA. The FNF violated NEPA procedures by failing to evaluate issues raised in a timely fashion by the public. The FNF unilaterally elected to eliminate issues raised by the public from analysis in the Crystal Cedar NEPA process but failed to substantiate their decisions with supporting evidence. The Crystal Cedar Environmental Analysis must be restarted with a fair and objective evaluation of public comments. The new process must include an objective evaluation of Nordic ski trails. The FNF should engage the Nordic ski community early in the process.