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Comments: Here is some case law and additional argument of why a categorical exclusion cannot be used to cover the expansion of Holland Lake Lodge:

The U.S. Forest Service should not use a categorical exclusion to evade in-depth NEPA review of the environmental impacts of the Holland Lake Lodge Facility Expansion project. "Categorical exclusions, by definition, are limited to situations where there is an insignificant or minor effect on the environment." *Sierra Club v. Bosworth*, 510 F.3d 1016, 1027 (9th Cir. 2007) (quoting *Alaska Ctr. For Env't v. U.S. Forest Serv.*, 189 F.3d 851, 859 (9th Cir. 1999)). Before using a categorical exclusion to bypass the EA or EIS process for a proposed action, the Forest Service must "evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect." *Id.* § 1501.4(b). If an extraordinary circumstance is present, the Forest Service may only categorically exclude the proposed action "if the agency determines that there are other circumstances that lessen the impacts or other conditions sufficient to avoid significant effects." *Id.* At this early stage in project review, scoping, the Forest Service must "identify the presence or absence of any extraordinary circumstances that would warrant further documentation in an EA or EIS." USFS NEPA Handbook Rule 31.3.

The Forest Service has not demonstrated the use of categorical exclusion for the Holland Lake Lodge Facility Expansion project is appropriate, and the size and location of the project suggest that it is not. The project includes a comprehensive proposal to overhaul existing facilities and more than triple the lodging capacity to accommodate up to 156 guests per night, from the current maximum of 50. This would necessitate the construction of more than 30 new buildings, including 26 cabins and a 28-room, two-story, 13,000 square foot lodge. Spanning 15 acres, the project would further require expanding the parking lot, upgrading or adding restrooms, demolishing or repairing old structures, and significant infrastructure upgrades. These changes are a far cry from the changes to "campgrounds, camping areas, picnic areas, day use area, fishing sites, interpretive site, visitor centers, trailheads, ski areas, and observations sites" contemplated by the categorical exclusion upon which the Forest Service relies. See Scoping Report at 1. Moreover, all of this activity would occur in known grizzly bear habitat, a species listed as "threatened" and protected under the Endangered Species Act. Among other things, the Forest Service NEPA handbook has specifically identified potential impacts to "[f]ederally listed threatened or endangered species" as an "extraordinary circumstance" under NEPA. USFS NEPA Handbook Rule 31.2(1). Due to the size and scope of the expansion, which includes potential unexamined impacts to grizzly bears, the Forest Service may not categorically exclude the Holland Lake Lodge Facility expansion project from NEPA review, and must conduct an EA or EIS to analyze the environmental impacts associated with the project.

In addition to the project's direct and indirect impact, the project would contribute to cumulatively significant effects that preclude the Forest Service's reliance on a categorical exclusion. See USFS NEPA Handbook Rule 31.2(1). "Scoping should ... reveal any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects." USFS NEPA Handbook Rule 31.3. As the Forest Service recognizes, an impact is significant "if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts." *Id.* Rule 15(b)(7) (emphasis added). Here, the proposed expansion, in conjunction with the dozens of other projects in the same vicinity that impair the same resource values, threatens cumulatively significant impacts to grizzly bears and other sensitive species that rely on quiet, undisturbed habitat.