



**THE HUMANE SOCIETY
OF THE UNITED STATES**

**HUMANE SOCIETY
LEGISLATIVE FUND™**

Submitted electronically at: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=61746>

October 4, 2022

Kurt Steele, Supervisor
Shelli Mavor, Project Leader
Flathead National Forest
Swan Lake Ranger District
200 Ranger Station Road
Big Fork, MT 59911

Re: Holland Lake Lodge Facility Improvement and Expansion # 61746

Dear Supervisor Steele and Project Leader Mavor:

Thank you for the opportunity to comment on the proposed Holland Lake Lodge Facility Improvement and Expansion project.

Sierra Club is a national non-profit conservation organization with more than 649,000 members. Headquartered in Oakland, California, Sierra Club maintains offices throughout the country and has 69 chapters, including in Montana. Sierra Club is the nation's largest and most influential conservation organization, dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. We have a longstanding commitment to protection of public lands and wildlife habitat, and to full recovery of grizzly bears in and beyond Montana. We submit these comments on behalf of more than 3,200 members in Montana, who care deeply about grizzly bears and their full recovery, and also actively use our public lands in the region for wildlife watching, recreation and other pursuits.

The Humane Society of The United States ("HSUS") is the nation's largest animal protection organization. Founded in 1954, HSUS is a non-profit organization headquartered in Washington D.C., with regional offices throughout the United States. On behalf of its members and supporters in the Northern Rockies and nationwide, HSUS works to promote the humane treatment of all animals and the protection and recovery of threatened and endangered species and their habitats. In furtherance of this mission, HSUS has consistently advocated for grizzly

bears through participation in federal and state regulatory processes, legislative advocacy, litigation, and public outreach and education.

Humane Society Legislative Fund (“HSLF”) is a Washington, D.C.-based 501(c)(4) animal protection organization and separate affiliate of HSUS. HSLF’s mission is to ensure that animals have a voice before federal and state lawmakers by advocating for measures to eliminate animal cruelty and suffering, to educate administrative and elected officials, as well as the public on animal welfare issues, and to elect humane candidates to public office. HSLF has a long history of advocating for the protection of wildlife—especially threatened and endangered species and native carnivores—in Congress and before federal agencies.

Sierra Club, HSUS and HSLF oppose the proposed expansion of Holland Lake Lodge as envisioned by the Master Development Plan (MDP) submitted by POWDR Corp. Our primary reason for opposing this project is the fact that it is a large expansion proposed within prime grizzly bear habitat, directly within the Northern Continental Divide (NCDE) Grizzly Bear Primary Conservation Area. This is, overwhelmingly, the wrong project in the wrong place. We consider it particularly egregious that the Flathead National Forest (FNF) has stated in its Scoping documents that it intends to issue a Categorical Exclusion (CE) for this project and to not undertake the comprehensive analysis that should absolutely be conducted for a project of this magnitude, which will undoubtedly affect listed species including grizzly bears and Canada lynx, and other wildlife. Despite recent statements by Supervisor Steele in the press that no decision on use of a CE has been made, the FNF’s documents associated with the project state otherwise.¹

A large part of Sierra Club’s mission is to get people outdoors to experience their public lands, and to increase equitable access to the outdoors for all Americans; however, we recognize that sometimes limits on human visitation/recreational use are warranted in some places to protect wildlife. We believe that there is a point at which increased human visitation and use begins to irrevocably impact wildlife and will cause wildlife to avoid and/or abandon needed habitat. That is clearly the case here with the proposed Holland Lake Lodge expansion, which will triple overnight guest capacity, involve tens of thousands of square feet of new construction and associated infrastructure, and expand the operating season in occupied grizzly bear habitat. We also oppose this project because it will inevitably change the historic, rustic nature of this long-time Montana treasure.

We also want to register our deep concern over the way in which notice was provided to the public about this project, and the apparent lack of interest, as demonstrated by such lack of process, on the part of the FNF in providing the public with sufficient time to provide meaningful public comment on the project. At the outset the, FNF gave the public a mere two weeks to provide comment; only as a result of significant public outcry was the comment period extended to October 7th. A project of this magnitude should entail a 60-day public comment period, at a minimum.

We provide more detailed rationale below for our opposition to this project as well as the use of a categorical exclusion.

¹ See <https://www.fs.usda.gov/project/?project=61746&exp=overview>

I. The Proposed Project Does Not Comport with the *Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Ecosystem* (Conservation Strategy)

The Conservation Strategy states:

*The goal of habitat management in this Conservation Strategy is to provide reasonable assurance that habitat on Federal, State, and Tribal lands will continue to be managed to levels that support a stable to increasing grizzly bear population in the NCDE. Therefore, the general approach is to maintain the habitat conditions that existed during the period when the NCDE grizzly bear population was stable to increasing.*²

The Conservation Strategy also acknowledged that even managing to current habitat standards might not be enough to protect the NCDE grizzly bear population, considering threats to grizzly bears from increasing private land development and climate change. Clearly, private land development adjacent to public lands on the FNF and throughout the NCDE is happening at a rapidly increasing pace, and climate change is accelerating.

Climate change poses myriad threats to grizzly bears, including shifting food sources, which may bring them into closer contact with humans and therefore higher risk of mortality. A hotter planet reduces insulating snow cover for den sites, increases parasite invasion and increases drought in the West (harming both plants and setting the stage for severe wildfires).

- With warmer winters and extended fall and spring seasons, climate change will drive the expansion of ticks and tick-borne diseases to more northern latitudes and to higher altitudes.³
- More stochastic weather events are occurring, and snow cover is increasingly lost,⁴ which reduces the insulating properties associated with some bears' dens.⁵
- In a study on black bears that is applicable to brown bears, as they too cannot withstand much movement in warm weather because of their inability to sweat (while wearing a thick fur coat and building fat layers for hibernation):⁶ A warming climate limits bears' foraging abilities because they are subject to hyperthermia, that is, the inability to dissipate heat from their bodies to stay sufficiently cool.⁷ Bears adjust to the heat by foraging in habitats that have sufficient shade to stay cool, but these adjustments could affect their ability to forage as efficiently⁸ as canopy cover is consumed by increasingly

² <https://igbconline.org/document/ncdeconservationstrategy-3-25-20-pdf/> p.16.

³ Filipe Dantas-Torres, *Climate Change, Biodiversity, Ticks and Tick-Borne Diseases: The Butterfly Effect*, vol. 4 (2015).

⁴ *Ibid.*, p. 8.

⁵ K. E. Pigeon, S. D. Cote, and G. B. Stenhouse, "Assessing Den Selection and Den Characteristics of Grizzly Bears," *Journal of Wildlife Management* 80, no. 5 (2016).

⁶ Thomas D. Beck et al., "Sociological and Ethical Considerations of Black Bear Hunting," *Proceedings of the Western Black Bear Workshop 5* (1995); Bernd Heinrich, *Why We Run: A Natural History* (Harper Perennial, 2002).

⁷ K. E. Pigeon et al., "Staying Cool in a Changing Landscape: The Influence of Maximum Daily Ambient Temperature on Grizzly Bear Habitat Selection," *Oecologia* 181, no. 4 (2016).

⁸ *Ibid.*

severe wildfires that remove mature trees, trees that bears rely upon for shade cover during the day and use as escape routes from predators—especially bear cubs.

For all of these reasons, agencies sought to limit changes to existing habitat conditions, as noted in the Conservation Strategy:

Limit the number and capacity of new developed recreation sites on Federal lands in the PCA that are designed and managed for overnight use by the public during the non-denning season to one new site per decade per BMU, or one increase in the overnight capacity at one site per decade per BMU above the baseline.⁹

The proposed Holland Lake Lodge Expansion is a prime example of why Sierra Club, HSUS and HSLF and other conservation organizations working to advance grizzly bear recovery were concerned about this language in the Conservation Strategy allowing an increase in overnight capacity. However, to our knowledge the proposed Holland Lake Lodge expansion goes far beyond anything previously proposed or allowed as an increase in overnight visitor capacity. According to POWDR Corp's MDP, newly-constructed facilities would include:

1. Bob Marshall Lodge (28 rooms, two-story, 13,000 square feet)
2. 10 lake cabins (650 square feet each)
3. 16 smaller studio cabins (250 square feet each)
4. New Welcome Center (2,000 square feet, single-story building) for check in and retail
5. The Mission Mountains Restaurant (3,000 square feet)
6. Small watersport building (400 square feet)
7. New support buildings which would include a maintenance building (2,000 square feet) and employee housing (2,000 square feet)

This represents approximately 33,000 square feet of new buildings. Additionally, construction to drill two new wells, install larger sewage tanks, underground installation of new electrical and fiber optic lines, and additional parking areas would all be part of the disturbance resulting from this project, possibly through 2028.

This type of mega-expansion of a rustic, historic site with currently 50 overnight guests operating from May 15 to October 15 flagrantly violates the intent of the Conservation Strategy to maintain habitat conditions necessary to allow the NCDE grizzly bear population to grow and recover.

II. The Project will Adversely Impact Wildlife Beyond the 15-acre Facility Footprint

We are extremely concerned about the impacts to grizzly bears, lynx, wolverine, and other species well beyond the 15-acre area of direct facility expansion. Overnight capacity would be tripled from what occurs now, which means that many more people will be using the surrounding public lands in the Swan Valley, Mission Mountains, Bob Marshall Wilderness area, etc. Given the nature of POWDR Corp's as an 'adventure lifestyle' company, they will undoubtedly be

⁹ <https://igbconline.org/document/ncdeconservationstrategy-3-25-20-pdf/> p.74.

advertising all types of recreational trips into the area around Holland Lake, which will bring hundreds of additional people into public lands surrounding the facility. Montanans do not want to see the commercialization of public lands for corporate profit, at the expense of Montana's wildlife and wildlife habitat.

Additionally, according to the proposal all facilities will be winterized to expand the current season to include November-January. Species that now use the Holland Lake area as a refuge in winter will undoubtedly be displaced by winter recreationists, and expending their much-needed energy for survival to flee people and potentially abandon dens. In its MDP, POWDR Corp's states that 100% occupancy will "likely never happen." However, with exploding visitation to Montana from people across the country and beyond, it is actually very likely that more often than not, there will indeed be 100% occupancy.

Research has shown that grizzly bears, elk and other species will usually flee humans on trails and avoid areas where recreating humans are present.^{10 11} Coleman et al. found that interactions between people on trails and grizzly bears less than 200 meters apart usually led to flight and avoidance by the bear. They also documented that such bear avoidance movements after encountering people along trails led to long distance movements of 300-400 meters to avoid the presence of people.¹² Grizzly bears (and other species) will be driven into less-secure habitat as a result of the increased presence of humans, with an accompanying increase in the likelihood of grizzly bears being relocated and/or killed.

Grizzly bears, lynx, wolverine and other species are continually getting squeezed into smaller and smaller areas as a result of more and more human presence in areas that were formerly fairly secure. The NCDE is one of only a tiny handful of places still big enough and wild enough for grizzly bears, wolverine and other wide-ranging species. It is incumbent on the FNF and other land management agencies to consider this in deciding whether to allow a huge expansion such as what is proposed for Holland Lake Lodge. The Forest Service must also consider its mandate to provide for the recovery of listed species, including the grizzly bear --- particularly for this project, as it occurs well within the Primary Conservation Area. The Forest Service is under no obligation to approve this project, and particularly through a CE, with no analysis of this proposed project's impact on wildlife including listed species, solitude, soundscape and other characteristics of the current Holland Lake Lodge environment.

III. The Project will Adversely Impact the Historic, Rustic Character of Holland Lake Lodge

In its MDP, POWDR Corp's acknowledges that "[T]he development proposed in this MDP will inevitably change the look and feel of the permit area" but go on to say that they "aim to retain

¹⁰ Naylor, L. M., M. J. Wisdom, and R. G. Anthony. 2010. Behavioral responses of North American elk to recreational activity. *Journal of Wildlife Management* 73: 328-338.

¹¹ Wisdom, M. J., H. K. Preisler, L. M. Naylor, R. G. Anthony, B. K. Johnson, and M. M. Rowland. 2018. Elk responses to trail-based recreation on public forests. *Forest Ecology and Management* 411: 223-233.

¹² Coleman, T. H., C. C. Schwartz, K. A. Gunther, and S. Creel. 2013. Grizzly bear and human interaction in Yellowstone National Park: an evaluation of bear management areas. *Journal of Wildlife Management* 77: 1311-1320.

the fundamental character of Holland Lake Lodge.” They can’t have it both ways. This project will fundamentally change the character of Holland Lake Lodge and the surrounding area – how could it not, with 33,000 square feet of new buildings, and winter as well as summer operation? Although POWDR Corp says much about keeping the Adirondack style and feel of the original lodge and buildings, it notes that metal roofing will be installed, and all building interiors will be “open and modern.” The historic, rustic nature of Holland Lake Lodge and its current setting will be forever changed. It appears that POWDR Corp feels that merely keeping the existing Lodge on the property constitutes keeping its historic character.

It is clear from reading the project documents that the Holland Lake Lodge has a long history that many people in Montana (and beyond) value. In reading public comments on this project, it is undeniable that many Montanans want to see the existing character of Holland Lake Lodge kept intact, and that people do not want to see it turned into an upscale resort with triple its current capacity, with a season extended into the winter months. People greatly value its history, rusticity and its relative quiet. They also value the relatively low impact that Holland Lake Lodge has on the surrounding environment and wildlife, and the fact that it is only open in the late spring/summer and therefore provides a winter refuge for wildlife. Montanans don’t need or want another upscale resort, particularly within the grizzly bear Primary Conservation Area and adjacent to existing wilderness areas.

IV. A Comprehensive Analysis of the Proposed Expansion’s Impacts is Required

As noted above, we are opposed to this project on the grounds that it will inevitably adversely impact wildlife and wildlife habitat. The fact that the FNF has stated it intends to allow the project to proceed through a CE is a severe affront to the public and does not meet the requirements of the National Environmental Policy Act (NEPA). The FNF should not use a CE to avoid to in-depth NEPA review of the environmental impacts of the Holland Lake Lodge Facility Improvement and Expansion project. “Categorical exclusions, by definition, are limited to situations where there is an insignificant or minor effect on the environment.”¹³ Before using a CE to bypass the Environmental Assessment or Environmental Impact Statement process for a proposed action, the FNF must “evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect.”¹⁴ If an extraordinary circumstance is present, the FNF 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.”¹⁵ At this early stage in project review – scoping – the FNF must “identify the presence or absence of any extraordinary circumstances that would warrant further documentation in an EA or EIS.”¹⁶

The FNF has not demonstrated the use of CE for the Holland Lake Lodge Facility Improvement and Expansion project is appropriate, and, clearly, the size and location of the project suggest

¹³ 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)).

¹⁴ Id. § 1501.4(b).

¹⁵ Id.

¹⁶ USFS NEPA Handbook Rule 31.3.

that it is not. As noted above, tripling the overnight capacity and 33,000 square feet of new construction including a large new lodge are large ‘improvements.’ 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 CE upon which the FNF relies. Moreover, all of this activity would occur in occupied 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.¹⁷ Due to the size and scope of the expansion, which includes potential unexamined impacts to grizzly bears, the FNF may not categorically exclude the Holland Lake Lodge Facility expansion project from NEPA review, and must conduct the required analysis of 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.¹⁸ “Scoping should ... reveal any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects.”¹⁹ 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.”²⁰

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. As the FNF knows, Sierra Club and many other organizations working to advance grizzly bear habitat have expressed deep concerns about the plethora of CEs that the FNF has approved, particularly in the past two years, for Special Use Permits for recreational activities on the Forest.

In closing, we urge the Flathead National Forest to reject the Holland Lake Lodge Facility Improvement and Expansion project for the reasons cited above. The Swan Valley is not the place for this type of expansion of overnight visitor capacity and prolonged visitor use season in the grizzly bear Primary Conservation Area.

Sincerely,



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¹⁷ USFS NEPA Handbook Rule 31.2(1).

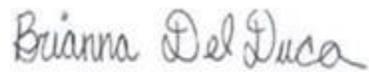
¹⁸ See USFS NEPA Handbook Rule 31.2(1)

¹⁹ USFS NEPA Handbook Rule 31.3

²⁰ *Id.* Rule 15(b)(7)



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