

Alliance for the Wild Rockies, Conservation Congress, Friends of the Bitterroot, Friends of the Wild Swan, Greg Strutz, Idaho Sporting Congress, Lance Olsen, Speak up for Wildlife Foundation, Swan View Coalition, Wilderness Watch

December 18, 2017

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Re: Request for withdrawal of two Special Use Permits / Authorizations issued without adequate Scoping or requests for public comment.

Dear Mr. Weber and Ms. Marten;

Hungry Horse District Ranger Rob Davies has issued two temporary, one-year authorizations to Izaak Walton Inn and Glacier Adventure Guides. These decisions are dated 11/29/17 and 11/27/19, respectively, and are attached.

In Ranger Davies' own words: "The [Izaak Walton Inn] shuttle service on the Dickey Creek Road would facilitate as many as 30 additional skiers per day, who are likely to travel further into the Great Bear Wilderness or into areas adjacent to the wilderness area. Glacier Adventure Guide clients and guides are likely to be included in this number, though these clients and guides would be restricted to the permit area outside the Great Bear Wilderness." (12/8/17 Davies letter attached).

Ranger Davies made these authorizations in violation of the National Environmental Policy Act and Forest Service Handbook, both of which require Scoping and public involvement to help determine the scope of the authorizations, the scope of their impacts, and the appropriate level of NEPA documentation. Instead, Ranger Davies issued a 10/25/17 press release that neither adequately described the proposed action nor invited public comment on it. A news article was published on 10/26/17, stating one of the permits had already been issued:

(http://www.dailyinterlake.com/local_news/20171026/commercial_ski_guiding_coming_to_flathead_forest)

This sparked a firestorm of controversy over the process and the potential impacts of the permits - much of it within Flathead National Forest staff and other-agency staff that should have been consulted well in advance. For example, Fisheries Biologist Pat Van Eimeren emailed Ranger Davies on 10/26/17 and 10/27/17:

I just saw this and have to say that I'm surprised we would do something like this without an ID Team and NEPA . . . without asking for public comment how do we establish if there is a need or if this conflicts with public interest? I think there will be a lot of opposition to this and it's already a done deal . . . What I question is how do we issue a permit without public scoping or without internal discussion? . . . Conflict with Mountain goat winter range? Use of lynx in the

area? Or do we really know because we didn't vet this permit internally? . . .
Smells worse than a dead fish to me!

Ranger Davies replied to staff on 10/26/17:

I heard that the news release has raised some concerns internally amount
[among?] some of our District.

I have not signed or issued the permit yet ... but I have decided to go forward
with a 1 year temporary permit to Glacier Guides for the Dickey Cr and Paola Cr
area outside of wilderness.

I was going to scope to find out what the public thinks before I issue a permit but
I changed my mind.

Through this news release I am simply announcing that the permit will be
issued. The reason for this change of mind is:

- The regs and policy clearly allow me to authorize this type of temp permit
without NEPA, scoping, or analysis

(See the attached, highlighted Internal email string, emphasis added). Ranger Davies is
flat wrong on NEPA and Scoping and you know he is. Forest Service Handbook (FSH)
1909.15, Section 11 states clearly:

Scoping is required for all Forest Service proposed actions, including those that
would appear to be categorically excluded from further analysis and
documentation in an EA or an EIS . . . (36 CFR 220.4(e)(1)) . . . scoping is an
integral part of environmental analysis [and] includes . . . identifying interested
and affected persons . . . Scoping shall be carried out in accordance with the
requirements of 40 CFR 1501.7

FSH 1909.15, Section 31.3 refers back to Section 11 and states clearly:

Scoping is required for all Forest Service proposed actions, including those that
would appear to be categorically excluded (sec. 11).

Moreover, FSH 1909.15, Sections 31.1 and 31.2 state:

"A proposed action may be categorically excluded from further analysis and
documentation in an EA or EIS only if there are no extraordinary circumstances
related to the proposed action . . ."

Extraordinary Circumstances [include] Federally listed threatened or endangered
species or designated critical habitat, species proposed for Federal listing . . .
Congressionally designated areas; such as wilderness [and] Inventoried roadless
areas or potential wilderness areas . . .

Ranger Davies' use of a Categorical Exclusion (CE) to issue the two permits is unlawful and violates the National Environmental Policy Act, the Administrative Procedures Act and the Endangered Species Act, among others. Ranger Davies has not conducted adequate Scoping and NEPA procedures to reliably determine whether the use of a CE is appropriate.

Moreover, the permits will increase skier access to the habitats of grizzly bear, lynx, wolverine, and mountain goats (among other wildlife) by shuttling skiers by snow-cat to the end of the road where they are then expected to ski in both the Great Bear Wilderness and adjacent roadless areas. All of these are Extraordinary Circumstances indicating the preparation of at least an EA is necessary.

Moreover, Ranger Davies, in an email dated 11/1/17 tells members of his staff:

I do acknowledge that there is a common expectation from most of the public I talked to, (and internally), that there will be conflicts. So this is tricky and a dilemma for me . . . Trying to carry out a 1 yr trial and learn from it . . . vs restrict and mitigate to a high degree right from the start, to make sure there is minimal outfitter/public conflicts.

NEPA Team Leader Sarah Canepa advised Ranger Davies in an 11/1/17 email:

It is my understanding that temporary permits are to be used in non-controversial situations. We are learning that this is not the case, so I would wonder if it is even appropriate to use a temporary permit authority in a situation that has generated so much public concern without a comment opportunity.

(See the attached, highlighted Internal email string, emphasis in Davies' original).

Due to lack of internal, public and interagency Scoping, MT Department of Fish, Wildlife and Parks struggled to obtain information about the ski tour permit and comment on it. As FWP's Jessy Coltrane wrote in 10/27/17 and 11/14/17 emails:

I was just wondering why FWP (me ...) wasn't notified about the potential special use permit for guided ski touring in the Middle Fork. I feel like this is something that our shop should be notified about so that we can be involved in the comments. I can see this as having potential wildlife impacts, especially since coming from AK, I know how these things go ... ski touring becomes cat skiing and then heli-skiing. Can you please send me any information you have on this?

. . . Here is an older lit review of disturbance. The bottom line is that winter is critical period for mountain goats, and disturbance can result in negative physiological responses which can result in higher energetic costs and reduced survival. So disturbance on winter range is no gooda. I've also attached my mountain goat report that talks about status of goats, etc .. and why these goats, in particular, are important. I'm sorry I don't have time to put together official comments, but please refer to me as personal communication?

(See the attached, highlighted External email string, emphasis added).

So why would Ranger Davies decide to charge ahead as his staff and others struggled to get in their two-cents worth of advice? Apparently, this could be due to pressure from the owner of Glacier Adventure Guides to get the permit issued so he could continue marketing his new service:

I spoke with Rob the other day and it seems that there are issues with the permit. It was my understanding with Marc that we were all set for a final sign off on this and in fact he confirmed the go ahead with me to proceed with marketing etc. . . . He wants to put this out for public scoping and perhaps delay permitting for 30 days . . . I hope we can get this put together soon to allow me to market properly.

(See the attached, highlighted 10/10/17 email from Greg Fortin).

The records provided in response to our 11/7/17 Freedom of Information Act request (attached) show that Ranger Davies decided early on to issue the ski tour permit to Glacier Adventure Guides, refused to conduct public scoping, conducted only happenstance internal scoping in the face of a news article and criticism from his own staff, and failed to consult in any meaningful way with either FWP or Fish and Wildlife Service.

Instead, Ranger Davies apparently bases his public involvement on an inadequate 10/25/17 press release that makes no mention of the new Izaak Walton Inn shuttle service and does not invite public comment. The press release spawned a news article (http://www.dailyinterlake.com/local_news/20171026/commercial_ski_guiding_coming_to_flathead_forest) stating the ski tour permit decision had already been made and the following:

The guiding company held off marketing the new service until the Forest Service announced the agreement, Fortin said.

“We know it’s a little sensitive to other people that use the backcountry to have a commercial guiding company back there, so right now we are just starting our marketing.”

The partnership with the Izaak Walton Inn will be pivotal to the success of the new venture, Fortin said. The historic inn has proposed offering vehicle shuttles equipped with tracks to the head of Essex or Dickey creeks, an elevation of about 4,500 feet, where backcountry skiers can begin their tour.

The Regional response to our FOIA (attached) indeed indicates no records existed at the time of our request that document impacts to the environment or that authorize Izaak Walton Inn to shuttle skiers up Dickey Creek. All Forest Service documents regarding any review of impacts to wildlife post-date our FOIA request, as do any discussions of needing to issue a separate permit to Izaak Walton Inn to provide the snow-cat shuttle service. Nonetheless, Ranger Davies appears to have slipped the ski shuttle

authorization into Izaak Walton's overall Operating Plan that was authorized on 11/29/17.

Moreover, the Region's response to our FOIA (attached) heavily redacts portions of email messages by Greg Fortin, to the extent one cannot tell what he is proposing for his commercial use of National Forest lands. (See file item9ExternalEmailsPart1 - 36pgs GiP b4 6.pdf in the Region's response, not attached here due to file size). This provides testament to why the Forest Service is supposed to conduct public Scoping on permit requests such as this.

Ranger Davies still has not issued any public notice describing his proposed permits and inviting public comment on them. Nor did his initial press release say anything about issuing a permit for the snow-cat shuttle into the high country. Essentially, he has presented the public with a one-year, done-deal that has already grown from ski tour guiding to cat-assisted-skiing with no public involvement or adequate interagency consultation. He has flat out refused to provide the legally required Scoping process that, in his own words, would perhaps allow him to develop permits that "restrict and mitigate to a high degree right from the start, to make sure there is minimal outfitter/public conflicts." Adequate Scoping might also allow Ranger Davies to better appreciate the public opposition to commercially increasing recreational uses and impacts in these areas of high wildlife value both in and adjacent to the Great Bear Wilderness.

We, the undersigned, ask that you look into this matter and instruct Ranger Davies to withdraw his two decisions and the two permits/authorizations he issued (and any related ski shuttle provisions inserted into Izaak Walton's overall Operating Plan and Permit). Please instruct him to take the time necessary to conduct full and fair Scoping and public involvement on a clearly described proposal. This will help him better determine whether these permit decisions firstly need the preparation of an Environmental Assessment, as we think is necessary if not an EIS, due to the extraordinary resources and circumstances that exist in the area and the substantial internal and public controversy his proposal has already created.

This type of decision-making cannot stand because it is unlawful and it smacks of an inappropriate relationship between the Forest Service and commercial interests, where the public can damn well just take a back seat. Decisions like this provide little incentive for the public to believe that the Forest Service is able to restrain itself and commercial enterprises in order to protect threatened species like grizzly bear and lynx, let alone species not afforded the extra protections of the ESA, including the general public.

We ask for a written response from you within 30 days. We consider this letter to have exhausted our administrative remedies. We have been denied the right to file a formal Objection due to Ranger Davies' use of Categorical Exclusions.

Sincerely,



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Attachments:

Izaak Walton Inn Over-Snow Shuttle Authorization
Glacier Park Ski Tours Permit Decision
12/8/17 Davies letter to Whom it May Concern
Internal email string, highlighted
External email string, highlighted
10/10/17 email by Greg Fortin
11/7/17 FOIA request (date corrected) and 12/7/17 and 12/14/17 FOIA responses

IZAAK WALTON IN SNOW SHUTTLE DECISION

Izaak Backcountry and Nordic, LLC (DBA Izaak Walton Inn) One Year Over-Snow Shuttle Authorization

**Flathead National Forest
Hungry Horse - Glacier View Ranger District**

INTRODUCTION

Izaak Backcountry and Nordic, LLC (DBA Izaak Walton Inn (IWI)) has operated ski trails in the Essex and Dickey Creek drainages under special use permit since 1973. The Forest Service approved an expansion of this network in 1987 with the Izaak Walton Inn – Proposed Trail Expansion Environmental Assessment (1987 EA). The most recent permit was issued on January 22, 2008 and authorized nearly 14 miles of groomed trail for ten years, expiring May 30th, 2017. The Forest Service approved the issuance of a new ten year ski trail permit replacing this expired permit under Forest Service Manual (FSM) 2721.63 and Forest Service Handbook (FSH) 1909.15 section 32.12(8) on November 29, 2017.

IWI has proposed to add an over-snow shuttle to the range of services they currently provide within the permitted groomed cross country ski trail network. The over-snow shuttle would transport up to ten individuals the 3-mile length of Dickey Creek Road (Forest Service Road 1639) in a cab mounted on a groomer. Passengers would be expected to be both backcountry skiers looking to hike from the end of the road into the surrounding area as well as sightseers. The Forest Service has authorized IWI to groom this road as a ski trail under the 1987 EA and a ski trail special use permit. This road is also an open route for public over-snow vehicle use under the Over-Snow Vehicle Use Map. The service would operate primarily, but not exclusively on weekends and holidays, transporting as many as three groups of skiers per day for a total of 30 skiers transported.

Contemporaneously with IWI's proposal for the snow shuttle service, Glacier Park Ski Tours, LLC (DBA Glacier Adventure Guides (GAG)) submitted an inquiry to our office about winter outfitter guide opportunities on Hungry Horse-Glacier View Ranger District. A 1-year, temporary special use permit for has been issued to Glacier Adventure Guides for guided backcountry skiing and snowshoeing in portions of the lower Dickey Creek and Paola Creek drainages. This decision is documented under a separate letter to the file dated November 27, 2017. The Forest Service has considered this decision in conjunction with other related actions in the area and their potential cumulative effects, which is discussed below and the November 27 letter.

DECISION

Forest Service Manual (FSM) directs Forest Service to encourage additional seasonal recreation opportunities at ski areas and Nordic centers that connect visitors to their natural environment

IZAAK WALTON IN SNOW SHUTTLE DECISION

(FSM 2343.11(3)). Proposed additional seasonal recreation opportunities that meet criteria in FSM 2343.14 (1) may be authorized within the ski area's or Nordic center's annual operating plan.

I have determined that the proposed shuttle service meets these criteria and it is my decision to authorize this activity for the 2017-2018 season as components of the Izaak Walton Inn's 2017-2018 annual operating plan. This use can occur no earlier than December 1, 2017 or beyond March 31, 2018.

Scoping for this authorization has been done internally with Forest Service Specialists, Montana Fish Wildlife and Parks, and the National Park Service. All scoping has been completed verbally by email, over the phone, or in person.

In addition, the Daily Inter Lake published an article on October 26, 2017 discussing this temporary outfitter guide permit as well as the shuttle service proposed by the Isaac Walton Inn (note the article indicated that a backcountry ski temporary use permit has already been issued which was not true). As a result of the article, I have received 15 public comments by email and phone regarding this shuttle service proposal and the Glacier Adventure Guides backcountry ski temporary use permit. Commenters expressed concern about potential crowding in the backcountry caused by additional users traveling within special use permit areas and adjacent areas within the Great Bear Wilderness, the potential for more intensive and more permanent outfitter guide use in the future, guide qualifications, as well as the decision-making process for approving this use. In response to these comments, I reduced the number of user days within the Glacier Adventure Guides' permit, required a monitoring plan for potential crowding, and increased guide qualification requirements.

IWI currently provides improved access to backcountry skiers by grooming the Dickey Creek Road to the end of the road for both nonmotorized and motorized over snow uses and by grooming trails in the Essex Creek drainage for nonmotorized users. The shuttle service would facilitate potentially as many as 30 additional skiers per day, who are likely to travel further into the Great Bear Wilderness or into areas adjacent to the wilderness area. Glacier Adventure Guide clients and guides are likely to be included in the number people utilizing the shuttle service, though these clients and guides would be restricted to a permit area outside the Great Bear Wilderness. This additional use will be dispersed throughout a zone that includes over 10,000 acres of backcountry skiing terrain. In this context, I do not anticipate this additional use will increase significantly above existing background levels or significantly increase crowding. However, I am sensitive to the concerns of those who commented and will reevaluate these assumptions based on monitoring results and input from the public at the conclusion of this season.

This authorization is consistent with the Flathead Forest Plan Recreation Management Direction, the current Hungry Horse Ranger District Motor Vehicle Use Map and the current Hungry Horse/Spotted Bear & Glacier View Ranger Districts Over-Snow Vehicle Use Map.

This authorization meets the categories established by the Chief of the Forest Service, pursuant to Forest Service Handbook (FSH) 1909.15, section 32.12 (36 CFR 220.6(d)), that are

IZAAK WALTON IN SNOW SHUTTLE DECISION

determined to not have extraordinary circumstances and would not have significant effects, and therefore can be categorically excluded from documentation in an environmental impact statement or environmental assessment. This project specifically meets the criteria under FSH 1909.15 section 32.12(8) (36 CFR 220.6(d)(8)): "Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands." This categorical exclusion does not require a case file and decision memo.

The following analysis supports my determination that no extraordinary circumstances exist which may result in significant effects. Extraordinary circumstances include, but are not limited to, the presence of the following:

- (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the proposed, threatened, or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service and includes the grizzly bear, Canada lynx, and wolverine. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment.

The threatened and endangered species Biological Assessments for wildlife had the following determinations: "no effect" to Canada lynx critical habitat, "may affect, not likely to adversely affect" to the grizzly bear, and Canada lynx. The project will not jeopardize the wolverine, a proposed threatened species that may be present in the area. The Biological Assessments and other documentation for these resources are on file at the Hungry Horse-Glacier View Ranger District.

In accordance with Forest Service Manual 2670.32, a biological evaluation is required to evaluate the effects on sensitive species.

The district wildlife biologist evaluated the potential impacts this project will have on sensitive wildlife species. Based on the analysis conducted for this decision, the Biological Evaluation for sensitive wildlife species (on file at the Hungry Horse-Glacier View Ranger Station) indicates this project will have "no impacts" on 10 of the 13 species listed. For the bald eagle, fisher, and gray wolf, the project "may impact individuals or habitat but will not likely result in a trend toward federal listing or reduced viability for the population or species."

Additional cumulative effects, such as disturbance by users entering the project area more easily due to Glacier Adventure Guides' temporary outfitter-guide permit, would not alter the above effects determinations.

IZAAK WALTON IN SNOW SHUTTLE DECISION

(2) Flood plains, wetlands, or municipal watersheds.

The proposed activities are not located in a flood plain, wetland, or municipal watershed. All activities will occur over snow and on existing roads.

(3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

The proposed activities are not within a congressionally designated area. Use within the Great Bear Wilderness is not anticipated to increase significantly above background levels.

(4) Inventoried roadless areas or potential wilderness areas.

The proposed activities are not within a proposed wilderness area.

(5) Research natural areas.

The proposed activities are not within a research natural area.

(6) American Indians and Alaska Native religious or cultural sites.

The proposed activities do not include ground disturbing activities that would affect religious or cultural sites. All activities will occur over snow and on existing roads.

(7) Archaeological sites, or historic properties or areas.

The proposed activities do not include ground disturbing activities that would affect archeological sites, or historic properties or area. All activities will occur over snow and on existing roads.

FINDINGS REQUIRED BY OTHER LAWS

To the best of my knowledge, this decision complies with all applicable laws, regulations, and policies (NFMA, NEPA, Clean Water Act, Clean Air Act, ESA, Equal Employment Opportunity Act). This decision is consistent with the Flathead Forest Plan Recreation Management Direction, the current Hungry Horse Ranger District Motor Vehicle Use Map and the current Hungry Horse/Spotted Bear & Glacier View Ranger Districts Over-Snow Vehicle Use Map.

This decision is not expected to negatively affect the civil rights of consumers, minority groups, women, or Indian tribes. Subsistence activities will not be disproportionately reduced for any of the identified groups. The Flathead Indian Reservation is 80 miles from the project area, and this site does not provide resources that cannot also be found in the surrounding area or in closer proximity to the reservation. This decision is not expected to negatively affect wildlife that may be used for subsistence. No environmental health hazards are expected to result from the implementation of this decision. This project should not disproportionately affect one income group over another. This project is in compliance with Executive Order 12898, which requires Federal actions to address environmental justice in minority and low-income populations. The USDA is an equal opportunity provider and employer.

IZAAK WALTON IN SNOW SHUTTLE DECISION

IMPLEMENTATION DATE

The proposed action is to be implemented immediately, with operations anticipated to begin as soon as December 15, 2018.

ADMINISTRATIVE REVIEW OR OBJECTION OPPORTUNITIES

This decision is not subject to administrative objection pursuant to 36 CFR 218.

CONTACT PERSON

Further information about this decision can be obtained by contacting project leader M.J. Crandall, Hungry Horse-Glacier View Ranger District, 10 Hungry Horse Drive, Hungry Horse, MT 59919; 406-387-3818.



ROBERT DAVIES
District Ranger

11/29/2017
Date

GLACIER ADVENTURE GUIDES PERMIT DECISION

Glacier Park Ski Tours, LLC (DBA Glacier Adventure Guides) Temporary Outfitter-Guide Permit Issuance

Flathead National Forest
Hungry Horse - Glacier View Ranger District

INTRODUCTION

On August 4, 2017, Greg Fortin, owner of Glacier Park Ski Tours, LLC (DBA Glacier Adventure Guides) submitted an inquiry to our office about winter outfitter guide opportunities on Hungry Horse-Glacier View Ranger District. On September 6, 2017, Mr. Fortin submitted an application for a one year temporary permit for guided backcountry skiing, snowshoeing, cross country skiing, and snow climbing/ski mountaineering in the Essex area between Essex Creek and Paola Creek, outside of the Great Bear Wilderness.

The area proposed for outfitter-guide activities is currently open to a variety of winter recreational uses. Izaak Walton Inn has operated a network of groomed cross country ski trails in the Essex and Dickey Creek drainages since 1973. The Forest Service approved an expansion of this network in 1987 and presently the Inn is authorized to operate in an area with nearly 14 miles of trail. The Essex Creek drainage is closed to public over snow vehicle use, but trails there are regularly groomed in the winter. The Over Snow Vehicle Use Map for Hungry Horse/Spotted Bear and Glacier View Ranger Districts shows that the proposed permit area is currently open to over snow vehicle use between the ridge north of Marion Creek to Paola Creek outside of the Great Bear Wilderness.

The three drainages proposed for winter guided backcountry activities represent three of approximately 20 drainages along the Middle Fork Flathead River between West Glacier and Marias Pass that are popular and accessible from US Highway 2 for backcountry skiing in and around the Great Bear Wilderness. There is over 10,000 acres of backcountry skiing terrain that is accessible from these three drainages. The proposed permit area is entirely outside the Great Bear Wilderness.

Contemporaneously with GAG's proposed temporary outfitter-guiding permit, Izaak Backcountry and Nordic, LLC (DBA Izaak Walton Inn (IWI)) proposed to add an over-snow shuttle to the range of services they currently provide within the permitted groomed cross country ski trail network. The over snow shuttle would transport up to ten individuals the 3-mile length of Dickey Creek Road (Forest Service Road 1639) in a cab mounted on a groomer. Passengers would be expected to be both backcountry skiers looking to hike from the end of the road to the surrounding area as well as sightseers. The Forest Service has authorized IWI to groom this road as a ski trail under the 1987 EA and a ski trail special use permit. This road is also an open route for public over snow vehicle use under the Over Snow Vehicle Use Map. The service would operate primarily, though not exclusively, on weekends, shuttling as many as three groups of skiers per day for a total of 30 skiers transported. The Forest Service considered these proposals as related actions with potential cumulative effects. The decision to issue IWI a 1-year, temporary authorization to provide this service will be documented under a separate letter to the file.

GLACIER ADVENTURE GUIDES PERMIT DECISION

DECISION

Under Forest Service Handbook (FSH) 2709.15 Section 53.1k, an Authorized Officer may issue a Temporary Permit for Outfitting and Guiding for one season or less for up to a maximum of 200 user days. Such permits are not to be issued through a competitive process and may be issued on a first come-first service basis. Temporary permits do not commit the Forest Service to authorize future outfitting and guiding permits. It is my decision to approve the issuance of a Temporary Outfitter-Guide Permit for 150 user days for backcountry skiing and snowshoeing to Glacier Park Ski Tours, LLC. This use can occur no earlier than December 1, 2017 or beyond March 31, 2018.

Scoping for this proposal has been done through internal screening with Forest Service specialists and with Montana Fish Wildlife and Parks. Glacier National Park and the Kootenai National Forest were consulted for any issues and concerns with the same outfitter that operates within their respective jurisdictions. All scoping has been completed via email and verbally either over the phone or in person.

In addition, the Daily Inter Lake published an article on October 26, 2017 discussing this temporary outfitter guide permit as well as the shuttle service proposed by the Isaac Walton Inn (note the article indicated that a backcountry ski temporary use permit has already been issued, which was not true). As a result of the article, I received 15 public comments by email and phone regarding this backcountry ski temporary use permit and the Isaac Walton shuttle service proposal. Commenters expressed concern about potential crowding in the backcountry caused by additional users traveling within special use permit areas and surrounding area, the potential for more intensive and more permanent outfitter guide use in the future, wildlife impacts, guide qualifications, as well as the decision-making process for approving this use. In response to these comments, I reduced the number of user days within the Glacier Adventure Guides' permit, required a monitoring plan for potential crowding, and increased guide qualification requirements. Additionally, the permittee will be required to avoid approaching wildlife, including grizzly bears, grizzly bear dens and mountain goats. Guides will not allow chasing or other forms of harassment to any wildlife species present to occur. To protect mountain goats, the permittee and clients will avoid crossing above individuals on mountain slopes.

In this decision, I have considered the cumulative effects of this outfitter guide use with the Izaak Walton Inns' current operations and their proposed over-snow shuttle. IWI currently provides improved access to backcountry skiers by grooming the Dickey Creek Road to the end of the road for both nonmotorized and motorized over snow uses and by grooming trails in the Essex Creek drainage for nonmotorized users. The shuttle service on the Dickey Creek Road would facilitate potentially as many as 30 additional skiers per day, who are likely to travel further into the Great Bear Wilderness or into areas adjacent to the wilderness area. Glacier Adventure Guide clients and guides are likely to be included in this number, though these clients and guides would be restricted to the permit area outside the Great Bear Wilderness. This additional use will be dispersed throughout a zone that includes over 10,000 acres of backcountry skiing terrain. In this context, I do not anticipate this additional use will increase significantly above existing

GLACIER ADVENTURE GUIDES PERMIT DECISION

background levels or significantly increase crowding. However, I am sensitive to those who raised concerns about crowding and will reevaluate these assumptions based on monitoring results and input from the public at the conclusion of this season.

This proposal meets the categories established by the Chief of the Forest Service, pursuant to Forest Service Handbook (FSH) 1909.15, section 32.12 (36 CFR 220.6(d)), that are determined to not have extraordinary circumstances and would not have significant effects, and therefore can be categorically excluded from documentation in an environmental impact statement or environmental assessment. This project specifically meets the criteria under FSH 1909.15 section 32.12(8) (36 CFR 220.6(d)(8)): "Approval, modification or continuation of minor (1 year or less) special uses of National Forest System Lands."

The following analysis supports my determination that no extraordinary circumstances exist which may result in significant effects. Extraordinary circumstances include, but are not limited to, the presence of the following:

- (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the proposed, threatened, or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service and includes the grizzly bear, Canada lynx, and wolverine. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment.

The threatened and endangered species Biological Assessments for wildlife had the following determinations: "may affect, not likely to adversely affect" to the grizzly bear, Canada lynx, and Canada lynx critical habitat. The project will not jeopardize the wolverine, a proposed threatened species that may be present in the area. The Biological Assessments and other documentation for these resources are on file at the Hungry Horse-Glacier View Ranger District.

In accordance with Forest Service Manual 2670.32, a biological evaluation is required to evaluate the effects on sensitive species.

A wildlife biologist evaluated the potential impacts this project will have on sensitive wildlife species. Based on the analysis conducted for this decision, the Biological Evaluation for sensitive wildlife species (on file at the Hungry Horse-Glacier View Ranger Station) indicates this project will have "no impacts" on 10 of the 13 species listed. For the bald eagle, fisher, and gray wolf, the project "may impact individuals or habitat but will not likely result in a trend toward federal listing or reduced viability for the population or species."

GLACIER ADVENTURE GUIDES PERMIT DECISION

Additional cumulative effects, such as disturbance by users entering the project area more easily due to Izaak Walton Inn's shuttle service, would not alter the above effects determinations.

- (2) Flood plains, wetlands, or municipal watersheds.

This proposed permit area is not located in a flood plain, wetland, or municipal watershed. All activities will occur over snow.

- (3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

This proposed permit area is not within a congressionally designated area. No activities are permitted within the Great Bear Wilderness.

- (4) Inventoried roadless areas or potential wilderness areas.

This project does not include ground disturbing activities that would affect inventoried roadless areas in the permit area. All activities will occur over snow.

- (5) Research natural areas.

This proposed permit area is not within a research natural area.

- (6) American Indians and Alaska Native religious or cultural sites.

This proposed permit does not include ground disturbing activities that would affect religious or cultural sites. All activities will occur over snow.

- (7) Archaeological sites, or historic properties or areas.

This proposed permit does not include ground disturbing activities that would affect archeological sites, or historic properties or area. All activities will occur over snow.

FINDINGS REQUIRED BY OTHER LAWS

To the best of my knowledge, this decision complies with all applicable laws, regulations, and policies (NFMA, NEPA, Clean Water Act, Clean Air Act, ESA, Equal Employment Opportunity Act). This decision is consistent with the Flathead Forest Plan Recreation Management Direction, the current Hungry Horse Ranger District Motor Vehicle Use Map and the current Hungry Horse/Spotted Bear & Glacier View Ranger Districts Over Snow Vehicle Use Map.

This decision is not expected to negatively affect the civil rights of consumers, minority groups, women, or Indian tribes. Subsistence activities will not be disproportionately reduced for any of the identified groups. The Flathead Indian Reservation is 80 miles from the project area, and this site does not provide resources that cannot also be found in the surrounding area or in closer proximity to the reservation. This decision is not expected to negatively affect wildlife that may be used for subsistence. No environmental health hazards are expected to result from the implementation of this decision. This project should not disproportionately affect one income group over another. This project is in compliance with Executive Order 12898, which requires

GLACIER ADVENTURE GUIDES PERMIT DECISION

Federal actions to address environmental justice in minority and low-income populations. The USDA is an equal opportunity provider and employer.

IMPLEMENTATION DATE

The proposed action is to be implemented immediately, with operations anticipated to begin as soon as January, 2018.

ADMINISTRATIVE REVIEW OR OBJECTION OPPORTUNITIES

This decision is not subject to administrative objection pursuant to 36 CFR 218.

CONTACT PERSON

Further information about this decision can be obtained by contacting project leader M.J. Crandall, Hungry Horse-Glacier View Ranger District, 10 Hungry Horse Drive, Hungry Horse, MT 59919; 406-387-3818.


ROBERT DAVIES
District Ranger

11/27/2017
Date



File Code: 2700

Date: December 8, 2017

To Whom It May Concern:

I am writing to thank you for comments regarding my intent to authorize Izaak Walton Inn's proposed shuttle service along the Dickey Creek Road and a temporary outfitter-guide permit to Glacier Adventure Guides. I also want to let you know how your comments informed and help refine the permits and operating plans for these uses. In the end, I made the decision to authorize both proposals for the 2017-2018 season with modifications based on your comments, further scoping with Forest Service staff and consultation with Forest Service and Fish Wildlife and Parks biologists.

On October 25th, 2017, the Flathead National Forest issued a news release announcing my intent to issue a temporary outfitter-guide permit to Glacier Adventure Guides for guided backcountry skiing in the Essex area. Daily Inter Lake published an article on October 26 discussing this temporary outfitter guide permit as well as the shuttle service proposed by the Isaac Walton Inn. Note that the article indicated that a backcountry ski temporary use permit has already been issued, which was not true – I had not signed any permits at that point. As a result of the article, I received 15 public comments by email and phone regarding this backcountry ski temporary use permit and the Isaac Walton shuttle service proposal. Commenters expressed concern about potential crowding in the backcountry caused by additional users traveling within special use permit areas and surrounding area, the potential for more intensive and more permanent outfitter guide use in the future, wildlife impacts, guide qualifications, as well as the decision-making process for approving this use.

In consideration of these comments and discussions I had with many of you, I carefully balanced the issues raised with the need for the Forest Service to provide a wide range of recreation opportunities to the public and support local businesses. This process resulted in a number of changes to the permits and operating plans for both uses. For example, I reduced the number of user days within the Glacier Adventure Guides' permit, required a monitoring plan for potential crowding, and increased guide qualification requirements. Additionally, Glacier Adventure Guides will be required to avoid approaching wildlife, including grizzly bears, grizzly bear dens and mountain goats. Guides will not allow chasing or other forms of harassment to any wildlife species present to occur. To protect mountain goats, the permittee and clients will avoid crossing above individuals on mountain slopes.

I also considered the cumulative effects of outfitter guide use with the Izaak Walton Inns' current operations and their proposed over-snow shuttle. IWI currently provides improved access to backcountry skiers by grooming the Dickey Creek Road to the end of the road for both nonmotorized and motorized over snow uses and by grooming trails in the Essex Creek drainage for nonmotorized users. The shuttle service on the Dickey Creek Road would facilitate potentially as many as 30 additional skiers per day, who are likely to travel further into the Great Bear Wilderness or into areas adjacent to the wilderness area. Glacier Adventure Guide clients and guides are likely to be included in this number, though these clients and guides would be



DAVIES LETTER TO WHOM IT MAY CONCERN

restricted to the permit area outside the Great Bear Wilderness. This additional use will be dispersed throughout a zone that includes over 10,000 acres of backcountry skiing terrain. In this context, I do not anticipate this additional use will increase significantly above existing background levels or significantly increase crowding.

However, I am sensitive to those who raised concerns about crowding and will reevaluate these assumptions based on monitoring results and input from the public at the conclusion of this season. To that end, I ask you let me know how your experience skiing in the Essex area changes this season as a result of these activities. I will take comments through the end of April, 2018, a month following close operations for IWI and GAG. Please send comments to rdavies@fs.fed.us.

Sincerely,



ROBERT DAVIES

District Ranger

Draggoo, Michele -FS

From: Prew, Chris -FS
Sent: Thursday, September 28, 2017 10:36 AM
To: Ankenbauer, Marc - FS; Crandall, Michael J -FS
Subject: RE: Insurance and Map

Marc-

Under Temp Use we can only issue 200 Service days. That is the max that can be done here. This is the same that greg had allocated to him in any of the other permits he has.

So if he takes 4 people on say a Saturday and Sunday, regardless of length of time on the forest (could be 1 or 2 hours) it counts as 4 SD'd per day for a total of 8 SD's that weekend. Regardless of what he thinks they will have in use, he is limited to 200 SD'd for the entire area that he is permitted, so he has to be strategic in what he is going to do, especially if he has a lot of business. That's pretty much all that we can issue based on discussions with rob and his comfort level.

Definitely be sure he understands this and that he cannot go over those days in the entire area he is permitted to use. Also be sure you get his insurance before giving the permit.

Hope that helps...



Chris Prew
Recreation, Wilderness, WSR, Trails & Special Uses Program Manager

Forest Service
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Caring for the land and serving people



From: Ankenbauer, Marc - FS
Sent: Wednesday, September 27, 2017 1:53 PM
To: Prew, Chris -FS <chrisprew@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>
Subject: FW: Insurance and Map

Chris/MJ,
Thoughts on his comments below?
Any opinions of how many clients as a cap?
Thanks
Marc

From: Greg Fortin [<mailto:greg@glacieradventureguides.com>]
Sent: Wednesday, September 27, 2017 1:50 PM

To: Ankenbauer, Marc - FS <mankenbauer@fs.fed.us>

Subject: Re: Insurance and Map

Are the user days based on one client equals one user day? Just 4 people on weekends over 24 weeks would be 200 guests plus education plus week days. I would like as many as possible if we are going to do this cost allowing? DNRC just has a flat rate and the last permit I did with Chris Prew was the same. I have no real projections other than this. Thanks.
G

Sent from my iPhone

On Sep 27, 2017, at 1:17 PM, Ankenbauer, Marc - FS <mankenbauer@fs.fed.us> wrote:

Greg,

This may get adjusted by MJ upon his return, but how many clients do you feel is a safe, but viable amount as a cap?

Thanks,

Marc

From: Greg Fortin [<mailto:greg@glacieradventureguides.com>]

Sent: Wednesday, September 27, 2017 11:21 AM

To: Ankenbauer, Marc - FS <mankenbauer@fs.fed.us>

Subject: Re: Insurance and Map

Sent you a pdf of Wills.

<image001.jpg>

Sent from my iPhone

On Sep 27, 2017, at 10:54 AM, Ankenbauer, Marc - FS <mankenbauer@fs.fed.us> wrote:

Greg,

Could you get me a copy of your insurance?

It needs to have USFS as a co insured.

Still working on a map also.

In the immediate, I am going to photocopy a map Will gave me, and simply highlight Paola Creek to Essex Creek.

But, any map you have of your intentions would be ideal.

Thanks,

Marc Ankenbauer

Developed Recreation Specialist

Hungry Horse – Glacier View Districts

Flathead National Forest

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mankenbauer@fs.fed.us

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Hungry Horse, MT 59919

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<image001.png><image002.png><image003.png>

Draggoo, Michele -FS

From: Davies, Robert -FS
Sent: Thursday, October 26, 2017 3:04 PM
To: Canepa, Sarah -FS; Crandall, Michael J -FS; Huntsberger, Andy R -FS; Krueger, Ron -FS; Rollwage, Amanda - FS; Scevers, Corey D -FS; Trimble, Eric -FS; Van Eimeren, Pat A -FS; Woods, Cynthia K -FS
Cc: Prew, Chris -FS; Wehunt, Sadie A -FS; Draggoo, Michele -FS
Subject: Backcountry Ski permit Glacier Guides

I heard that the news release has raised some concerns internally amount some of our District.

I prefer to talk face to face with each of you but since I am in meetings the rest of the week this email is an attempt to communicate my intent and clarification any confusion.

I have not signed or issued the permit yet.... but I have decided to go forward with a 1 year temporary permit to Glacier Guides for the Dickey Cr and Paola Cr area....outside of wilderness.

I was going to scope to find out what the public thinks before I issue a permit but I changed my mind.

Through this news release I am simply announcing that the permit will be issued. The reason for this change of mind is:

- The regs and policy clearly allow me to authorize this type of temp permit without NEPA, scoping, or analysis....
- I feel the risk of negative environmental effects are very low
- This is only a 1 year permit..... and because outfitting in this area has never been tested.... This coming year will be an experiment to see what kind of issue might arise and if outfitting here could be a viable in this area.
- Negative social and public issues might or might not be an issue.... But without testing it..... its only be speculation of what might happen.
- The local business community has been asking me (and the Flathead) To provide more commercial opportunities. In the 5 years there have been no changes or increases in outfitting..... this backcountry skiing 1 yr temp permit is a way to test a new opportunity with no long term obligation.
- No one has ever come to me in the last 5 years to ask if they could provide backcountry ski guiding in this area, except Glacier Guides.
- I would rather the public find out about this in advance of ski season, rather than mid season after a temp permit has been issued.
- The outfitting business needs a chance to advertise in advance of the ski season if they are to have a reasonable chance of being successful.

There may be lots of public concerns and questions coming in from this news release. Feel free to share my thoughts in this email or send them directly to me. I am super interested in the kind of concerns and questions the public may have.
Thanks



Rob Davies
District Ranger
Forest Service
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Hungry Horse - Glacier View Ranger Districts
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Caring for the land and serving people

Draggoo, Michele -FS

From: Crandall, Michael J -FS
Sent: Thursday, October 19, 2017 11:32 AM
To: Prew, Chris -FS
Subject: Greg Fortin Permit

Hi Chris,

You had reservations about including "educational" trips in Greg's permit. Could you elaborate? My thought is that the activities involved in a field course is nearly identical to a guided trip. Could we say that such trips fall under the umbrella of guided ski trip?



M.J. Crandall
District Recreation Lead
Forest Service
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Caring for the land and serving people

INTERNAL EMAILS HIGHLIGHTED

Draggoo, Michele -FS

From: Crandall, Michael J -FS
Sent: Tuesday, October 24, 2017 1:50 PM
To: Prew, Chris -FS
Subject: Anticipated questions for Greg Fortin permit.
Attachments: Anticipated questions for Greg Fortin permit.docx



M.J. Crandall
District Recreation Lead
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Caring for the land and serving people

Anticipated questions for Greg Fortin permit.

Why Glacier Adventure Guides?

- Glacier Adventure Guides submitted an unsolicited proposal for guided backcountry skiing this summer. This was the only formal proposal we received in 2017.

Why now?

- HH-GV Ranger District is currently exploring ways to support local businesses, provide a range of recreational opportunities and promote safety. Temporary permits such as this one serve as one way to test whether the permitted activity could be a viable and sustainable way of achieving these goals before going through the process of issuing "priority use" permits.

Can I submit a proposal for guided backcountry skiing?

- Yes, for the 2018-2019 season. We will not be issuing any additional temporary special use permits for the 2017-2018 season.

Will there be any guided activities in the Great Bear Wilderness/Marion Lake?

- No, the temporary permit explicitly excludes guided activities in wilderness.

How will my skiing experience in the Middle Fork be altered?

- There could be up to 33 additional parties skiing in the permitted drainages over approximately 5 months. Users in these areas may see or encounter additional parties this season. The FS will periodically monitor use and will accept feedback throughout the this season.

Draggoo, Michele -FS

From: Van Eimeren, Pat A -FS
Sent: Friday, October 27, 2017 9:28 AM
To: Prew, Chris -FS
Cc: Davies, Robert -FS; Crandall, Michael J -FS
Subject: RE: Ski permit

The authority is not the issue. What I question is how do we issue a permit without public scoping or without internal discussion? One individual comes in and says he has a need? Do we as an agency really know what that need is without scoping? How was the 200 days established? The release says it would cover up to 6 skiers or 33 days a year. If Only 3 skiers go per trip that is 66 days/ year. Ski season is most likely 3 months, Jan-March so that could mean guided groups in a limited area for about 2/3 of the ski season. Isn't that a potential conflict with existing users? Conflict with Mountain goat winter range? Use of lynx in the area? Or do we really know because we didn't vet this permit internally? Was there thought about not allowing him to operate on weekends to reduce user conflicts?

Is this a trend that we are going to establish with fishing and hunting permits? What happens if these temporary permit holders invest in a lot of infrastructure? Do we tell them the one year trial basis didn't work out and oh sorry for your financial lost? If the district is going to start using this authority more often, what process is going to be used to engage the public and the district?

Smells worse than dead fish to me!

From: Prew, Chris -FS
Sent: Friday, October 27, 2017 9:09 AM
To: Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>
Cc: Davies, Robert -FS <rdavies@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>
Subject: RE: Ski permit

Per the outfitter and guide policy from 2008...this is not anything new to issue these types of permits and we already do it across the forest. The authority always has existed. The HHGV has some older policy documents that give some direction (its old but is more than other districts have). For fishing and other consumptive uses, the policy was not to issue temp use for those things...unless it's a special hunting permit draw that may be considered.... As always it is the authority and discretion of the authorized officer to issue these and nationally we are being asked to use these tools more. Historically since the 2008 Temp use policy came into place, the Flathead hasn't really used it to the extent other areas have. Just my thoughts and not trying to get in the middle here.

53.1k - Issuance of Temporary Use Permits

1. Authorize all temporary use on form Special Use Application & Temporary Permit for Outfitting and Guiding, for 1 season or less. Allocate use in increments of 50 service days, up to a maximum of 200 service days or the equivalent in quotas for temporary use permits.
2. Only 1 temporary use permit may be issued per 180 days, per holder, per use area.

INTERNAL EMAILS HIGHLIGHTED

3. Do not issue temporary use permits through a competitive process. Rather, issue temporary use permits to qualified applicants on a first-come, first-served basis, based on a seasonal deadline, or through a lottery.
4. Issuance of a temporary use permit does not commit the Forest Service to authorize outfitting and guiding use in the future. Temporary use permits are not subject to renewal.
5. Add national or regional clauses to a temporary use permit as necessary to address site-specific circumstances.
6. Require holders to address public health and safety, emergency procedures, and resource protection in their operating plan.
7. Do not conduct performance evaluations for holders of temporary use permits.
8. Violations of law, customer complaints, and adverse outfitting and guiding performance ratings will be considered in evaluating applicants' technical qualifications.



Chris Prew
Recreation, Wilderness, WSR, Trails & Special Uses Program Manager

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Caring for the land and serving people



From: Van Eimeren, Pat A -FS

Sent: Thursday, October 26, 2017 9:21 AM

To: Davies, Robert -FS <rdavies@fs.fed.us>; Prew, Chris -FS <chrisprew@fs.fed.us>

Subject: Ski permit

Rob,

I just saw this and have to say that I'm surprised we would do something like this without and IDTeam and NEPA. How do we selectively chose an individual without a competitive process and without asking for public comment how we do we establish if there is a need or if this conflicts with public interest? I think there will be a lot of opposition to this and it's already a done deal. Doesn't this set a precedent for other SUPs? If someone wants to guide fishing trips to high mountain lakes do we just give them a one year trial permit? Once we give something to the public it's hard to take back away, such as road access and then putting a gate on it. How do we provide an equal playing field for SUPs in the future? If we have a log deck sitting there do we just sell it to the first one that asks or do we put it up for competitive bid?

<https://www.fs.usda.gov/detail/flathead/news-events/?cid=FSEPRD562395>

Draggoo, Michele -FS

From: Davies, Robert -FS
Sent: Wednesday, November 01, 2017 10:37 AM
To: Van Eimeren, Pat A -FS
Cc: Crandall, Michael J -FS
Subject: RE: Draft Permit

Good points to consider Pat and thanks for your response.

Something to consider with the Beaverhead River.....and the policy with no outfitters on weekends..... and segregating general public use days from outfitter days That policy on the Beaverhead and other rivers is all based on a response to conflicts..... disgruntled public, and experience. Keep in mind this has not been tested and there is no experience of conflict to base a decision to restrict weekends yet. I do acknowledge that there is a common expectation from most of the public I talked to, (and internally), that there will be conflicts. So this is tricky and a dilemma for me..... Trying to carry out a 1 yr trial and learn from it...vs restrict and mitigate to a high degree right from the start, to make sure there is minimal outfitter/public conflicts.

I really appreciate your thoughts.

PS. Glacier Adventure guides does not have any permit authorization for backcountry guide service in avalanche terrain in the G.N.Park.... Its all just touring in the valley bottoms.



Rob Davies
District Ranger
Forest Service
Flathead National Forest
Hungry Horse - Glacier View Ranger Districts

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rdavies@fs.fed.us

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Caring for the land and serving people

From: Van Eimeren, Pat A -FS
Sent: Wednesday, November 01, 2017 9:30 AM
To: Davies, Robert -FS <rdavies@fs.fed.us>; Canepa, Sarah -FS <scanepa@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>; Huntsberger, Andy R -FS <ahuntsberger@fs.fed.us>; Krueger, Ron -FS <rkrueger@fs.fed.us>; Rollwage, Amanda - FS <arollwage@fs.fed.us>; Scevers, Corey D -FS <cdscevers@fs.fed.us>; Trimble, Eric -FS <ericttrimble@fs.fed.us>; Woods, Cynthia K -FS <ckwoods@fs.fed.us>
Cc: Prew, Chris -FS <chrisprew@fs.fed.us>; Wehunt, Sadie A -FS <sadieawehunt@fs.fed.us>; Waters, Cassie - FS <cassiewaters@fs.fed.us>; Pence, Colter F -FS <cfpence@fs.fed.us>
Subject: RE: Draft Permit

I had a few comments in the document.

INTERNAL EMAILS HIGHLIGHTED

My overall concern rests with weekend use and the number of days. Rob, you mentioned several times about viable operation. I see this as an established business that is already viable. The viability of this business does not rest with backcountry skiing. This permit allows it to expand. GAG already has backcountry skiing in the park as well so if this business is unable to operate on weekends it could still guide in the park, correct? Does not allowing weekends reduce its viability? Even without weekends, this business is being allowed to expand to 5 days a week on NFS lands. That should be viewed as a plus for GAG. Given that there was no public scoping I think it's paramount to reduce the potential conflicts associated with this permit to forest users and not allowing guided skiing on weekends is perhaps the best and only way to reduce that conflict. There are rivers that do not allow guided use on weekends in Montana, why not apply that principle to skiing? You can be a trend setter, Rob.

From: Davies, Robert -FS

Sent: Tuesday, October 31, 2017 3:34 PM

To: Canepa, Sarah -FS <sscanepa@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>; Huntsberger, Andy R -FS <ahuntsberger@fs.fed.us>; Krueger, Ron -FS <rkrueger@fs.fed.us>; Rollwage, Amanda - FS <arollwage@fs.fed.us>; Scevers, Corey D -FS <cdscevers@fs.fed.us>; Trimble, Eric -FS <ericttrimble@fs.fed.us>; Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>; Woods, Cynthia K -FS <ckwoods@fs.fed.us>

Cc: Prew, Chris -FS <chrisprew@fs.fed.us>; Wehunt, Sadie A -FS <sadieawe hunt@fs.fed.us>; Waters, Cassie - FS <cassiewaters@fs.fed.us>; Pence, Colter F -FS <cfpence@fs.fed.us>

Subject: Draft Permit

Here is the first attempt at a draft Operation Plan for Glacier Adventure Guides.

I know Pat suggested cutting 200 days down to 100 days. Trying to balance an opportunity to make it worth their while....and minimizing crowding with too many people..... I am thinking 150 days is reasonable. This is not my final decision but this is where I am leaning as I look for a balance.

The no weekend use, as some of you suggested is a good way to reduce potential mixing of commercial use and public use.....and reduce the perception or reality of overcrowding..... but like I just stated above..... this is a balance of providing a reasonable chance for a viable commercial operation. I am leaning towards weekends allowed.

I added a sticky note to the map. This temp permit would only authorize ski touring. The Isaack Walton Permit already has grooming of ski trails, and snow cat rides have recently been added to the end of the Dickey Cr Road for anyone... The Dickey Creek road, and beyond, is currently open to snowmobiles. I think the public who read the news release believes this temp permit will authorize motorized snow cat service to the top of the ridge..... which is not true..... and which is a common cause for concern on most of the calls I have been getting.

Please let MJ or myself know what you think of this Draft Ops Plan..... feedback is preferable by the end of the week Friday Nov 3rd. but I'll take feedback anytime.

Thanks



Rob Davies
District Ranger
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Draggoo, Michele -FS

From: Canepa, Sarah -FS
Sent: Wednesday, November 01, 2017 5:50 PM
To: Van Eimeren, Pat A -FS; Davies, Robert -FS; Crandall, Michael J -FS; Huntsberger, Andy R -FS; Krueger, Ron -FS; Rollwage, Amanda - FS; Scevers, Corey D -FS; Trimble, Eric -FS; Woods, Cynthia K -FS; Waters, Cassie - FS
Cc: Prew, Chris -FS
Subject: RE: Draft Permit

It is my understanding that temporary permits are to be used in non-controversial situations. We are learning that this is not the case, so I would wonder if it is even appropriate to use a temporary permit authority in a situation that has generated so much public concern without a comment opportunity.

If you choose to issue the permit I would echo much of what Pat's shared below. This is an existing business that is seeking to expand. So theoretically they already have a certain amount of business and this will allow them to expand their offerings. So any amount of expansion in a "test situation" as you have described it, will expand their business opportunities. The public that has responded, said that crowding and lack of public comment opportunity are their two biggest concerns. We should develop mitigations that address those concerns such as the number of days allowed and when guiding is allowed to reduce impacts to other users, recognizing that any amount of permitting is an expansion of their existing business, which was not previously allowed.



Sarah Canepa
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Caring for the land and serving people

From: Van Eimeren, Pat A -FS
Sent: Wednesday, November 01, 2017 9:30 AM
To: Davies, Robert -FS <rdavies@fs.fed.us>; Canepa, Sarah -FS <scanepa@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>; Huntsberger, Andy R -FS <ahuntsberger@fs.fed.us>; Krueger, Ron -FS <rkrueger@fs.fed.us>; Rollwage, Amanda - FS <arollwage@fs.fed.us>; Scevers, Corey D -FS <cdscevers@fs.fed.us>; Trimble, Eric -FS <erictrimble@fs.fed.us>; Woods, Cynthia K -FS <ckwoods@fs.fed.us>
Cc: Prew, Chris -FS <chrisprew@fs.fed.us>; Wehunt, Sadie A -FS <sadieawehunt@fs.fed.us>; Waters, Cassie - FS <cassiewaters@fs.fed.us>; Pence, Colter F -FS <cfpence@fs.fed.us>
Subject: RE: Draft Permit

I had a few comments in the document.

My overall concern rests with weekend use and the number of days. Rob, you mentioned several times about viable operation. I see this as an established business that is already viable. The viability of this business does not rest with backcountry skiing. This permit allows it to expand. GAG already has backcountry skiing in the park as well so if this

business is unable to operate on weekends it could still guide in the park, correct? Does not allowing weekends reduce its viability? Even without weekends, this business is being allowed to expand to 5 days a week on NFS lands. That should be viewed as a plus for GAG. Given that there was no public scoping I think it's paramount to reduce the potential conflicts associated with this permit to forest users and not allowing guided skiing on weekends is perhaps the best and only way to reduce that conflict. There are rivers that do not allow guided use on weekends in Montana, why not apply that principle to skiing? You can be a trend setter, Rob.

From: Davies, Robert -FS

Sent: Tuesday, October 31, 2017 3:34 PM

To: Canepa, Sarah -FS <scanepa@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>; Huntsberger, Andy R -FS <ahuntsberger@fs.fed.us>; Krueger, Ron -FS <rkrueger@fs.fed.us>; Rollwage, Amanda - FS <arollwage@fs.fed.us>; Scevers, Corey D -FS <cdscevers@fs.fed.us>; Trimble, Eric -FS <ericttrimble@fs.fed.us>; Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>; Woods, Cynthia K -FS <ckwoods@fs.fed.us>

Cc: Prew, Chris -FS <chrisprew@fs.fed.us>; Wehunt, Sadie A -FS <sadieawehunt@fs.fed.us>; Waters, Cassie - FS <cassiewaters@fs.fed.us>; Pence, Colter F -FS <cfpence@fs.fed.us>

Subject: Draft Permit

Here is the first attempt at a draft Operation Plan for Glacier Adventure Guides.

I know Pat suggested cutting 200 days down to 100 days. Trying to balance an opportunity to make it worth their while....and minimizing crowding with too many people..... I am thinking 150 days is reasonable. This is not my final decision but this is where I am leaning as I look for a balance.

The no weekend use, as some of you suggested is a good way to reduce potential mixing of commercial use and public use.....and reduce the perception or reality of overcrowding..... but like I just stated above..... this is a balance of providing a reasonable chance for a viable commercial operation. I am leaning towards weekends allowed.

I added a sticky note to the map. This temp permit would only authorize ski touring. The Isaack Walton Permit already has grooming of ski trails, and snow cat rides have recently been added to the end of the Dickey Cr Road for anyone... The Dickey Creek road, and beyond, is currently open to snowmobiles. I think the public who read the news release believes this temp permit will authorize motorized snow cat service to the top of the ridge..... which is not true..... and which is a common cause for concern on most of the calls I have been getting.

Please let MJ or myself know what you think of this Draft Ops Plan..... feedback is preferable by the end of the week Friday Nov 3rd. but I'll take feedback anytime.

Thanks



Rob Davies
District Ranger
Forest Service
Flathead National Forest
Hungry Horse - Glacier View Ranger Districts

p: 406-387-3801
c: 406-640-0921
f: 406-387-3889
rdavies@fs.fed.us

PO Box 190340
Hungry Horse, MT, MT 59919
www.fs.fed.us



Caring for the land and serving people

Staff 11/7/17

FLT Schedule on Sharepoint

Rob. Haydown

Beaver worked stopped Cause of litigation

MQ - Greg Fortin permit - aware of our concerns
snowshoe trips as well as skiing
150 days

- fills his days?
- gathering info on encounters
- coming from them

Self reporting
feedback from user side
mid season review

Clarification - not cat sheep - 150 days

Sarah email people that put in a comment

GNP Park + Permit stuff will be inputting + comparing

Ron K - Dam + plowing - by the tree by the front
@ cache - parking grader

Poss parking west side rd to Doris Parking spot
A-24 Snowmobiles

to expand recreational parking for snowmobile
proposal by snowmobile

Safety - and usage - impacts - gravel
State funding for (rtp) snowmobile is gone
were using Forest monitoring
Trade off - more use in NF & less in Bunker crk

Dec 15th @ Amanda's

Calendars -

MT - all week - taking Thurs off potentially

Sarah - here - Wed + Thurs - Nepa mtg
Fri off - 800 Cold Tim mailing
1/4 mi - snowmobile - Crystal Cedar

EXTERNAL EMAILS HIGHLIGHTED

From: Waters, Cassie - FS
To: Jacobs, Amy -FS
Subject: FW: special use permit in Middle Fork
Date: Monday, November 20, 2017 10:10:17 AM
Attachments: Disturbance literature review updated April 2011.doc
2017Reg1MountainGoat_final.pdf

From: Coltrane, Jessie [<mailto:JColtrane@mt.gov>]
Sent: Tuesday, November 14, 2017 10:03 AM
To: Waters, Cassie - FS <cassiewaters@fs.fed.us>
Subject: RE: special use permit in Middle Fork

Hey Cassie,

Here is an older lit review of disturbance. The bottom line is that winter is critical period for mountain goats, and disturbance can result in negative physiological responses which can result in higher energetic costs and reduced survival. So disturbance on winter range is no gooda. I've also attached my mountain goat report that talks about status of goats, etc.. and why these goats, in particular, are important. I'm sorry I don't have time to put together official comments, but please refer to me as personal communication?

Thanks!
Jessy

From: Waters, Cassie - FS [<mailto:cassiewaters@fs.fed.us>]
Sent: Thursday, November 02, 2017 8:31 AM
To: Coltrane, Jessie <JColtrane@mt.gov>
Subject: RE: special use permit in Middle Fork

The permit would be for 150 user days with a limit of 6 people per day. The whole area would be permitted. I attached the only map that I have available. We could still meet and discuss next week, but they are hoping to finalize the permit and operations plan by the end of the week.

From: Coltrane, Jessie [<mailto:JColtrane@mt.gov>]
Sent: Thursday, November 02, 2017 6:58 AM
To: Waters, Cassie - FS <cassiewaters@fs.fed.us>
Subject: RE: special use permit in Middle Fork

What are the user days and group size? Is the whole area permitted or just specific runs? A map would help with these things delineated... Sorry to be a pain. Or maybe we could meet and discuss it next week?

From: Waters, Cassie - FS [<mailto:cassiewaters@fs.fed.us>]
Sent: Wednesday, November 01, 2017 5:02 PM
To: Coltrane, Jessie <JColtrane@mt.gov>

EXTERNAL EMAILS HIGHLIGHTED

Subject: RE: special use permit in Middle Fork

Hi Jessy,

They're still working on the permit, but I can better describe the permit area if that's helpful. The southern boundary of the permit area is Essex Creek, the northern boundary is Paola Creek, the western boundary is the wilderness boundary, and the eastern boundary is HWY 2 except where private lands push it east a bit. Again, only guided ski trips are included in this permit. No additional motorized use is permitted and most of the permit area is already open to snowmobiling. I just want to be sure that we consider any wildlife concerns you may have as we draft the operations plan.

Thanks!

From: Coltrane, Jessy [<mailto:JColtrane@mt.gov>]

Sent: Wednesday, November 01, 2017 7:23 AM

To: Waters, Cassie - FS <cassiewaters@fs.fed.us>

Subject: RE: special use permit in Middle Fork

Hey Cassie,

I guess I would need to see the permit to be able to evaluate impacts...

Thanks!

Jessy

From: Waters, Cassie - FS [<mailto:cassiewaters@fs.fed.us>]

Sent: Tuesday, October 31, 2017 4:25 PM

To: Coltrane, Jessy <JColtrane@mt.gov>

Subject: RE: special use permit in Middle Fork

Hello again,

I got some info on the backcountry ski permit. This temporary permit would only authorize ski touring. The Isaack Walton Permit already includes grooming of ski trails as well as snow cat rides to the end of the Dickey Creek Road. The snow cat rides were recently added to their permit and are available to anyone. The Dickey Creek Road is also currently open to snowmobiles with no seasonal restrictions. There will be no change to motorized use under this new temporary permit. There could be increased use but no snow cats traveling up to ridges or anything like that.

We are currently working on an operations plan for the permit, which is where we can set any sideboards necessary to mitigate wildlife concerns. You mentioned your concern for effects on grizzly bear, wolverine, and mountain goats. Are there specific things other than denning habitat that you think I should be looking into? I'm not familiar with mountain goat use of the area. Are there any specific areas that are particularly important for them? If there are other species or more specific concerns please let me know. I'll be in the office in the morning if you'd rather talk on the phone. Our ranger is open to modifying the permit to address any wildlife concerns.

Thanks,

Cassie

From: Coltrane, Jessy [<mailto:JColtrane@mt.gov>]

Sent: Friday, October 27, 2017 11:33 AM

EXTERNAL EMAILS HIGHLIGHTED

To: Waters, Cassie - FS <cassiewaters@fs.fed.us>

Subject: RE: special use permit in Middle Fork

Cool. What's your number?

From: Waters, Cassie - FS [<mailto:cassiewaters@fs.fed.us>]

Sent: Friday, October 27, 2017 11:21 AM

To: Coltrane, Jessy <JColtrane@mt.gov>

Subject: RE: special use permit in Middle Fork

I am. If you'd like to discuss further, give me a call.

From: Coltrane, Jessy [<mailto:JColtrane@mt.gov>]

Sent: Friday, October 27, 2017 11:20 AM

To: Waters, Cassie - FS <cassiewaters@fs.fed.us>

Subject: RE: special use permit in Middle Fork

Hey Cassie,

I'm sorry! I thought you were the bio for this area?

Jessy

From: Waters, Cassie - FS [<mailto:cassiewaters@fs.fed.us>]

Sent: Friday, October 27, 2017 10:59 AM

To: Coltrane, Jessy <JColtrane@mt.gov>

Cc: Davies, Robert -FS <rdavies@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>

Subject: RE: special use permit in Middle Fork

Hi Jessy,

I was not involved in this project, so will have to put you in contact with those that are familiar. Please direct your questions to either the Hungry Horse/Glacier View District Ranger, Rob Davies or our District Recreation Lead, M.J. Crandall. I've copied both on this email.

Thanks,

Cassie

From: Coltrane, Jessy [<mailto:JColtrane@mt.gov>]

Sent: Friday, October 27, 2017 9:23 AM

To: Waters, Cassie - FS <cassiewaters@fs.fed.us>

Subject: special use permit in Middle Fork

Hey Cassie,

I was just wondering why FWP (me...) wasn't notified about the potential special use permit for guided ski touring in the Middle Fork. I feel like this is something that our shop should be notified about so that we can be involved in the comments. I can see this as having potential wildlife impacts, especially since coming from AK, I know how these things go... ski touring becomes cat

EXTERNAL EMAILS HIGHLIGHTED

skiing and then heli-skiing.

Can you please send me any information you have on this?

Thanks!

Jessy

Jessy Coltrane, PhD
Kalispell Area Wildlife Biologist
Montana Fish, Wildlife & Parks
(406) 751-4584

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Draggoo, Michele -FS

From: Van Eimeren, Pat A -FS
Sent: Wednesday, December 06, 2017 10:38 AM
To: Davies, Robert -FS; Draggoo, Michele -FS
Subject: FW: Ski permit

From: Belcer, Durae [mailto:ddaniels@mt.gov]
Sent: Friday, October 27, 2017 9:46 AM
To: Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>
Subject: RE: Ski permit

Thanks Pat, You're the best! So glad you're on board!

From: Van Eimeren, Pat A -FS [mailto:pvaneimeren@fs.fed.us]
Sent: Friday, October 27, 2017 9:30 AM
To: Belcer, Durae <ddaniels@mt.gov>
Subject: FW: Ski permit

Here was my email this morning to Rob

From: Van Eimeren, Pat A -FS
Sent: Friday, October 27, 2017 9:28 AM
To: Prew, Chris -FS <chrisprew@fs.fed.us>
Cc: Davies, Robert -FS <rdavies@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>
Subject: RE: Ski permit

The authority is not the issue. What I question is how do we issue a permit without public scoping or without internal discussion? One individual comes in and says he has a need? Do we as an agency really know what that need is without scoping? How was the 200 days established? The release says it would cover up to 6 skiers or 33 days a year. If Only 3 skiers go per trip that is 66 days/ year. Ski season is most likely 3 months, Jan-March so that could mean guided groups in a limited area for about 2/3 of the ski season. Isn't that a potential conflict with existing users? Conflict with Mountain goat winter range? Use of lynx in the area? Or do we really know because we didn't vet this permit internally? Was there thought about not allowing him to operate on weekends to reduce user conflicts?

Is this a trend that we are going to establish with fishing and hunting permits? What happens if these temporary permit holders invest in a lot of infrastructure? Do we tell them the one year trial basis didn't work out and oh sorry for your financial lost? If the district is going to start using this authority more often, what process is going to be used to engage the public and the district?

Smells worse than dead fish to me!

From: Prew, Chris -FS
Sent: Friday, October 27, 2017 9:09 AM
To: Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>
Cc: Davies, Robert -FS <rdavies@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>
Subject: RE: Ski permit

Per the outfitter and guide policy from 2008...this is not anything new to issue these types of permits and we already do it across the forest. The authority always has existed. The HHGV has some older policy documents that give some direction (its old but is more than other districts have). For fishing and other consumptive uses, the policy was not to issue temp use for those things...unless it's a special hunting permit draw that may be considered.... As always it is the authority and discretion of the authorized officer to issue these and nationally we are being asked to use these tools more. Historically since the 2008 Temp use policy came into place, the Flathead hasn't really used it to the extent other areas have. Just my thoughts and not trying to get in the middle here.

53.1k - Issuance of Temporary Use Permits

1. Authorize all temporary use on form Special Use Application & Temporary Permit for Outfitting and Guiding, for 1 season or less. Allocate use in increments of 50 service days, up to a maximum of 200 service days or the equivalent in quotas for temporary use permits.
2. Only 1 temporary use permit may be issued per 180 days, per holder, per use area.
3. Do not issue temporary use permits through a competitive process. Rather, issue temporary use permits to qualified applicants on a first-come, first-served basis, based on a seasonal deadline, or through a lottery.
4. Issuance of a temporary use permit does not commit the Forest Service to authorize outfitting and guiding use in the future. Temporary use permits are not subject to renewal.
5. Add national or regional clauses to a temporary use permit as necessary to address site-specific circumstances.
6. Require holders to address public health and safety, emergency procedures, and resource protection in their operating plan.
7. Do not conduct performance evaluations for holders of temporary use permits.
8. Violations of law, customer complaints, and adverse outfitting and guiding performance ratings will be considered in evaluating applicants' technical qualifications.



Chris Prew
Recreation, Wilderness, WSR, Trails & Special Uses Program Manager

Forest Service
Flathead National Forest

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f: 406-758-5367
chrisprew@fs.fed.us

650 Wolfpack Way
Kalispell, MT 59901
www.fs.fed.us



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EXTERNAL EMAILS HIGHLIGHTED

From: Van Eimeren, Pat A -FS
Sent: Thursday, October 26, 2017 9:21 AM
To: Davies, Robert -FS <rdavies@fs.fed.us>; Prew, Chris -FS <chrisprew@fs.fed.us>
Subject: Ski permit

Rob,
I just saw this and have to say that I'm surprised we would do something like this without an IDTeam and NEPA. How do we selectively choose an individual without a competitive process and without asking for public comment how we do we establish if there is a need or if this conflicts with public interest? I think there will be a lot of opposition to this and it's already a done deal. Doesn't this set a precedent for other SUPs? If someone wants to guide fishing trips to high mountain lakes do we just give them a one year trial permit? Once we give something to the public it's hard to take back away, such as road access and then putting a gate on it. How do we provide an equal playing field for SUPs in the future? If we have a log deck sitting there do we just sell it to the first one that asks or do we put it up for competitive bid?

<https://www.fs.usda.gov/detail/flathead/news-events/?cid=FSEPRD562395>



Pat Van Eimeren
Fisheries Biologist
Forest Service
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Draggoo, Michele -FS

From: Van Eimeren, Pat A -FS
Sent: Wednesday, December 06, 2017 10:37 AM
To: Davies, Robert -FS; Draggoo, Michele -FS
Subject: FW: Backcountry Ski permit Glacier Guides

From: Belcer, Durae [mailto:ddaniels@mt.gov]
Sent: Friday, October 27, 2017 9:26 AM
To: Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>
Subject: RE: Backcountry Ski permit Glacier Guides

This is sooooo disappointing. I already have a call in and writing comments!
Thanks Pat,
Let stay strong on this and say "No" !!

From: Van Eimeren, Pat A -FS [mailto:pvaneimeren@fs.fed.us]
Sent: Thursday, October 26, 2017 3:09 PM
To: 'Jim Deraleau (jimderaleau@yahoo.com)' <jimderaleau@yahoo.com>; Belcer, Durae <ddaniels@mt.gov>
Subject: FW: Backcountry Ski permit Glacier Guides

Fyi, if you go to our website you'll see a news release. Feel free to provide any input. I think this will be very unpopular and I expect Rob will get lots of feedback.

From: Davies, Robert -FS
Sent: Thursday, October 26, 2017 3:04 PM
To: Canepa, Sarah -FS <scanepa@fs.fed.us>; Crandall, Michael J -FS <mjcrandall@fs.fed.us>; Huntsberger, Andy R -FS <ahuntsberger@fs.fed.us>; Krueger, Ron -FS <rkrueger@fs.fed.us>; Rollwage, Amanda - FS <arollwage@fs.fed.us>; Scevers, Corey D -FS <cdscevers@fs.fed.us>; Trimble, Eric -FS <erictrimble@fs.fed.us>; Van Eimeren, Pat A -FS <pvaneimeren@fs.fed.us>; Woods, Cynthia K -FS <ckwoods@fs.fed.us>
Cc: Prew, Chris -FS <chrisprew@fs.fed.us>; Wehunt, Sadie A -FS <sadieawehunt@fs.fed.us>; Draggoo, Michele -FS <mdraggoo@fs.fed.us>
Subject: Backcountry Ski permit Glacier Guides

I heard that the news release has raised some concerns internally amount some of our District.
I prefer to talk face to face with each of you but since I am in meetings the rest of the week this email is an attempt to communicate my intent and clarification any confusion.

I have not signed or issued the permit yet..... but I have decided to go forward with a 1 year temporary permit to Glacier Guides for the Dickey Cr and Paola Cr area....outside of wilderness.

I was going to scope to find out what the public thinks before I issue a permit but I changed my mind.

Through this news release I am simply announcing that the permit will be issued. The reason for this change of mind is:

- The regs and policy clearly allow me to authorize this type of temp permit without NEPA, scoping, or analysis....
- I feel the risk of negative environmental effects are very low
- This is only a 1 year permit..... and because outfitting in this area has never been tested.... This coming year will be an experiment to see what kind of issue might arise and if outfitting here could be a viable in this area.

EXTERNAL EMAILS HIGHLIGHTED

- Negative social and public issues might or might not be an issue.... But without testing it..... its only be speculation of what might happen.
- The local business community has been asking me (and the Flathead) To provide more commercial opportunities. In the 5 years there have been no changes or increases in outfitting..... this backcountry skiing 1 yr temp permit is a way to test a new opportunity with no long term obligation.
- No one has ever come to me in the last 5 years to ask if they could provide backcountry ski guiding in this area, except Glacier Guides.
- I would rather the public find out about this in advance of ski season, rather than mld season after a temp permit has been issued.
- The outfitting business needs a chance to advertise in advance of the ski season if they are to have a reasonable chance of being successful.

There may be lots of public concerns and questions coming in from this news release. Feel free to share my thoughts in this email or send them directly to me. I am super interested in the kind of concerns and questions the public may have. Thanks



Rob Davies
District Ranger
Forest Service
Flathead National Forest
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From: Greg Fortin <greg@glacieradventureguides.com>
Sent: Tuesday, October 10, 2017 9:48 AM
To: Crandall, Michael J -FS
Subject: Permit update

I spoke with Rob the other day and it seems that there are issues with the permit. It was my understanding with Marc that we were all set for a final sign off on this and in fact he confirmed the go ahead with me to proceed with marketing etc. Can you let me know where we are with this. Rob did not seem to have all of the details when we spoke and was not up to date on the previous discussions and planning. He wants to put this out for public scoping and perhaps delay permitting for 30 days. We have been discussing and working on this for over two years and recently since this spring. I hope we can get this put together soon to allow me to market properly. Please advise. Thanks again and welcome back.
Greg Fortin

Sent from my iPhone

Swan View Coalition Nature and Human Nature on the Same Path



3165 Foothill Road, Kalispell, MT 59901

swanview.org & swanrange.org

ph/fax 406-755-1379

November 7, 2017

Chip Weber
Flathead Forest Supervisor
650 Wolfpack Way
Kalispell, MT 59901

Rob Davies
Glacier View-Hungry Horse District Ranger
PO Box 190340
Hungry Horse, MT 59919

Re: Information request and FOIA REQUEST via email
to cweber@fs.fed.us and rdavies@fs.fed.us

Dear Mr. Weber and Mr. Davies;

It does not appear in your October 25, 2017 press release that the public is being invited to comment on a Special Use Permit apparently already issued to Glacier Adventure Guides for skiing in the Essex/Dickey/Paola area. It instead instructs the public to contact Rob Davies "for additional information about this permit." Our October 26 email to Rob Davies for more information, however, was answered with a "please call" because "there were some definite gaps in the information in the news release and it's a little challenge to answer all of your questions in a simple email."

Based on our prior notices to your offices to receive advance notices of all proposed activities on the Flathead National Forest, we would have expected to receive advance summary information about this Glacier Adventure Guides Permit during the public scoping required by NEPA, even if a Categorical Exclusion is being used or contemplated. Please revisit our email string of April 7 - 14, 2014, wherein we raised this same issue about public scoping involving a motocross race. Rob Davies responded on April 10 with issuance of a public scoping notice soliciting public comment. Please also note that in our emails of April 7, 2014, to you both we reiterate our long-standing request that we wish to receive advance notice and requests for public comment on all activities on the Flathead NF - and that we be considered a "key partner" in any scoping notice or activity noticed to "key partners."

While we appreciate Rob Davies' November 1, 2017, invite to call or meet, we are extremely busy and would have preferred he respond with answers to our questions and/or documents from the Project File that would answer our questions. We do not have the time for calls and meetings to secure documents and answers that should already exist in your records. Therefore:

Pursuant to the provisions of the Freedom of Information Act we request the following, in electronic format wherever possible:

FOIA REQUEST AND RESPONSES

1. Any and all public scoping or other public notices requesting public comment that were issued regarding the Glacier Adventure Guides permit.
2. A copy of the NEPA decision documents regarding the Glacier Adventure Guides permit.
3. A copy of the Glacier Adventure Guides permit.
4. A copy of any and all documents regarding the contemplated impacts of the Glacier Adventure Guides permit activities on the environment. This would include but not necessarily be limited to impacts on threatened lynx and grizzly bear, wolverine, other wildlife, and other members of the recreating public.
5. A copy of any and all documents regarding the contemplated cumulative effects of the Glacier Adventure Guides permit activities when added to the impacts of other activities in the area. These cumulative impacts would include but not necessarily be limited to the impacts of the Essex-Isaac Walton Inn "permit for grooming of ski trails and operation of x-country skiing/utilizing grooming equipment" as referenced in Rob Davies' 11/1/17 email.
6. A copy of the Essex-Isaac Walton permit referenced in Rob Davies' 11/1/17 email. If this permit does not clearly describe how the permit holder can or cannot snow groom the roads up Essex, Dickey and Paola Creeks and how the permit holder can or cannot operate its tracked shuttle vehicle on those roads and for what or whose clients, please also provide documents that do describe these permitted or prohibited activities relative to the permit holder.
7. A copy of any and all communications or meeting notes internal to the Forest Service discussing the potential impacts of the Glacier Adventure Guides permit.
8. A copy of any and all communications between the Forest Service, MT Fish, Wildlife and Parks and/or the Fish and Wildlife Service discussing the potential impacts of the Glacier Adventure Guides permit.
9. A copy of any and all communications between the Forest Service and Glacier Adventure Guides and/or the Essex/Isaac Walton permit holder regarding the potential or actual issuance of the Glacier Adventure Guides permit.
10. A copy of any and all records regarding the decision to issue the Glacier Adventure Guides permit as a non-competitive permit.
11. A copy of any and all records regarding the potential for the one-year Glacier Adventure Guides permit to bias future decisions on whether or not to issue a longer term permit.
12. A copy of any and all records regarding how the shuttling of Glacier Adventure Guides ski clients with a tracked shuttle vehicle operated by the Essex/Isaac Walton permit is apparently allowed under the non-motorized Glacier Adventure Guides permit and the Essex/Isaac Walton permit.

FOIA REQUEST AND RESPONSES

13. A copy of any and all records regarding the contemplation of the difference in impacts to wildlife, other recreationists and other resources when Glacier Adventure Guide clients are shuttled by tracked motor vehicle "to the head of Essex or Dickey creeks, an elevation of about 4,500 feet, where backcountry skiers can begin their tour," rather than beginning their ski tour at the beginning of the snowed-in roads. (See the 10/26/17 Daily Interlake news article in this regard).

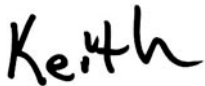
In closing, we request that any fees in connection with your furnishing this information be waived on the ground that disclosure of the documents requested primarily benefits the general public (Section 4(b)(1) of 7 CFR Subtitle A, Subpart A, Appendix A) and that, in requesting these documents, our non-profit corporation is engaged in a non-profit activity designed for the public safety, health and welfare (Section 4(a)(3) of same).

The information provided will be summarized and made available to other conservation organizations and to the general public. Public understanding will be increased significantly because the requested information will allow the public to see what the Flathead NF has and has not considered in granting a Special Use Permit to Glacier Adventure Guides and how that permit does or does not dovetail with activities allowed or prohibited under the "Essex/Isaac Walton" permit.

We provide on our web site (at <http://www.swanview.org/home/info/foia>) supplemental information relative to the six factors the Forest Service considers when assessing fee waiver requests pursuant to its FOIA guidelines, a copy of our Certificate of Incorporation as a non-profit, a copy of our IRS letter of determination that we are a non-profit, tax-exempt corporation, and a description of past instances where we have used information provided pursuant to the FOIA to promote the public interest. This FOIA request and the supplemental information demonstrate the information we request herein "is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the Government and is not primarily in the commercial interest of the requester." Accordingly, we ask that our request for a waiver of fees be granted.

Your help in fulfilling this request is greatly appreciated.

Sincerely,



Keith J. Hammer
Chair

Cc by email to Michele Dragoo

FOIA REQUEST AND RESPONSES



United States
Department of
Agriculture

Forest
Service

Flathead
National
Forest

650 Wolfpack Way
Kalispell, MT 59901
(406) 758-5200
Fax (406) 758-5367

File Code: 6270

Date: December 7, 2017

Keith Hammer
Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901

Dear Mr. Hammer,

This letter is a response to your Freedom of Information Act (FOIA) email received November 7, 2017 (date of the letter attached to the email is October 7, 2017). The following is what you requested:

1. Any and all public scoping or other public notices requesting public comment that were issued regarding the Glacier Adventure Guides permit.
2. A copy of the NEPA decision documents regarding the Glacier Adventure Guides permit.
3. A copy of the Glacier Adventure Guides permit.
4. A copy of any and all documents regarding the contemplated impacts of the Glacier Adventure Guides permit activities on the environment.
5. A copy of any and all documents regarding the contemplated cumulative effects of the Glacier Adventure Guides permit activities when added to the impacts of other activities in the area.
6. A copy of the Essex-Isaac Walton permit referenced in Rob Davies' 11/1/17 email.
7. A copy of any and all communications or meeting notes internal to the Forest Service discussing the potential impacts of the Glacier Adventure Guides permit.
8. A copy of any and all communications between the Forest Service, MT Fish, Wildlife and Parks and/or the Fish and Wildlife Service discussing the potential impacts of the Glacier Adventure Guides permit.
9. A copy of any and all communications between the Forest Service and Glacier Adventure Guides and/or the Essex/Isaac Walton permit holder regarding the potential or actual issuance of the Glacier Adventure Guides permit.
10. A copy of any and all records regarding the decision to issue the Glacier Adventure Guides permit as a non-competitive permit.
11. A copy of any and all records regarding the potential for the one-year Glacier Adventure Guides permit to bias future decisions on whether or not to issue a longer term permit.
12. A copy of any and all records regarding how the shuttling of Glacier Adventure Guides ski clients with a tracked shuttle vehicle operated by the Essex/Isaac Walton permit is apparently



FOIA REQUEST AND RESPONSES

allowed under the non-motorized Glacier Adventure Guides permit and the Essex/Isaac Walton permit.

13. A copy of any and all records regarding the contemplation of the difference in impacts to wildlife, other recreationists and other resources when Glacier Adventure Guide clients are shuttled by tracked motor vehicle "to the head of Essex or Dickey creeks, an elevation of about 4,500 feet, where backcountry skiers can begin their tour," rather than beginning their ski tour at the beginning of the snowed-in roads. (See the 10/26/17 Daily Interlake news article in this regard).

In response to item #1, I have provided 1 record (1 page). In response to item #2, I have provided 1 record (5 pages). In response to item #3, I have provided 1 record (21 pages). In response to item #4, I have provided 4 records (9 pages). Records provided in item #2 are also responsive. In response to item #5, I have provided 6 records (19 pages). In response to item #6, I have provided 1 record (37 pages). In response to item #7, I have provided 1 record (18 pages). In response to item #8, I have provided 1 record (10 pages). In response to item #9, I have provided 1 record (36 pages). In response to item #10, some of the records provided to you under item #9 are responsive. In response to item #11, some of the records provided to you under item #7 are responsive here. In response to item #12, records provided to you under item #2 and #6 are responsive here. In response to item #13, records provided to you under item #2, #4, and #5, are responsive here.

All of the records have been provided on an enclosed DVD.

Additionally, some records responsive to items #3, #6, #7 and #9 have been referred to the Regional Forester for further review and consideration.

Your request is identified by the following identification number: 2018-FS-R1-01030-F. If you have questions on this FOIA response, please contact Michele Draggoo at 406-758-5269.

You have the right to seek dispute resolution services from the Forest Service FOIA Public Liaison, Washington Office. You can reach them by phone at 202-205-1542, or by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143. You also have the right to seek dispute resolution services from the Office of Government Information Services at this web address <https://ogis.archives.gov>.

Sincerely,



CHIP WEBER
Forest Supervisor

Enclosure

FOIA REQUEST AND RESPONSES



United States
Department of
Agriculture

Forest
Service

Region One

Northern Region
26 Fort Missoula Road
Missoula, MT 59804

File Code: 6270
2018-FS-R1-01032-F

Date: December 14, 2017

Mr. Keith Hammer
Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901

Dear Mr. Hammer:

This letter is in response to your November 7, 2017, Freedom of Information Act (FOIA) request to the Flathead National Forest (NF) seeking records concerning special use permits issued to Glacier Adventure Guides for skiing in the Essex/Dickey/Paola area. The Flathead NF has referred several items of your request to this office for processing and direct response to you.

After review I have determined that the redacted portions of the documents, which you can download at the web link in the email provided with this letter, are exempt from release pursuant to 5 U.S.C. § 552(b)(4), which pertains to trade secrets and commercial or financial information obtained from a person that is privileged or confidential, in this case unit and unit prices, and account information; and 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

This concludes our response to your FOIA request.

The FOIA provides you the right to appeal this determination. Any appeal must be made in writing, within 90 days from the date of this letter to: Chief, US, Forest Service, FOIA Service Center: 1) by email to wo_foia@fs.fed.us; or 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143; or 3) by Fed Ex or UPS to 201 14th Street, SW, Washington, DC 20250-1143; or 4) by fax at 202-260-3260. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter.

You have the right to seek dispute resolution services from the Forest Service FOIA Public Liaison, Washington Office. You can reach them by phone at 202-205-1542, or by regular mail at Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143. You also have the right to seek dispute resolution services from the Office of Government Information Services at this web address <https://ogis.archives.gov>.

Sincerely,


for LEANNE M. MARTEN
Regional Forester



FOIA REQUEST AND RESPONSES



United States
Department of
Agriculture

Forest
Service

Region One

Northern Region
26 Fort Missoula Road
Missoula, MT 59804

File Code: 6270
2018-FS-R1-01033-F

Date: December 14, 2017

Keith Hammer
Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901

Dear Mr. Hammer:

This letter is in response to your October 29, 2017, Freedom of Information Act (FOIA) request to the Flathead National Forest (Flathead NF) seeking documents responsive concerning a review of "impassable" roads not counted in Total Motorized Route Density, including several specific items. The Flathead NF has referred several of these items to this Office for processing and direct response to you.

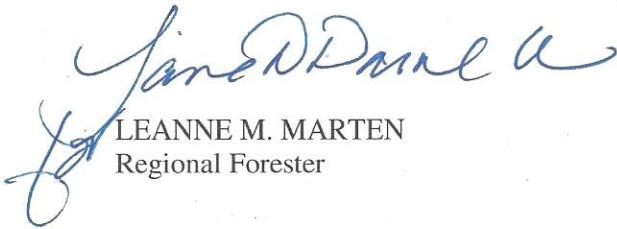
After a search of their system of records the Flathead NF found no records responsive to items 4, 6, 7, & 8 of your request.

This concludes our response to your FOIA request.

The FOIA provides you the right to appeal this determination. Any appeal must be made in writing, within 90 days from the date of this letter to: Chief, US, Forest Service, FOIA Service Center: 1) by email to wo_foia@fs.fed.us; or 2) by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143; or 3) by Fed Ex or UPS to 201 14th Street, SW, Washington, DC 20250-1143; or 4) by fax at 202-260-3260. The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter.

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Sincerely,



LEANNE M. MARTEN
Regional Forester

