

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

May 13, 2010

Chip Weber – Flathead Forest Supervisor
Rich Kehr – Swan Lake District Ranger
Debbie Mucklow – Spotted Bear District Ranger
Jimmy DeHerrera – Hungry Horse District Ranger
Mark Wilson – FWS Field Supervisor, Helena

Re: Consultation Required re Swan Crest 100 Foot Race. PDF via email to
cweber@fs.fed.us, rkehr@fs.fed.us, dmucklow@fs.fed.us, jdeherrera@fs.fed.us
mark_wilson@fws.gov

Dear Forest Supervisor, District Rangers, and Field Supervisor Wilson;

Please see our attached letter of May 10 in the matter of the Swan Crest 100 Run scheduled for 50 participants to run 100 miles along the length of the Swan Crest on July 29-31 (see <http://swancrest100.com>). I visited with Swan Lake District Ranger Richard Kehr this morning and was advised the race organizers still have not submitted their application for a special use permit, although the District confirms it qualifies as a commercial endeavor in need of such a permit.

As the attached letter describes, the Run would result in high-intensity non-motorized human uses not allowed in grizzly bear security core habitats and thus reduce a number of such security core areas.

On its face, the Run and any Forest Service approval of it necessitates consultation between the Forest Service and Fish and Wildlife Service, if not the Run organizers as well.

Moreover, the Run described at <http://swancrest100.com> violates the Incidental Take Statement and non-discretionary terms and conditions of Fish and Wildlife Service's October 25, 2005 Biological Opinion on the Effects of the Flathead National Forest Plan Amendment 19 Revised Implementation Schedule on Grizzly Bears. Violations of the ITS include but are not necessarily limited to the following:

“... if ... Forest actions result in no increase in road densities or decrease in core habitat, then the intent of the access management biological objectives will be met and Forest-wide conditions will be within anticipated levels of taking.” (BiOp at 151).

“Forest activities shall not result in an increase in OMAD, TMAD, or decreases in security core habitat without additional consultation.” (BiOp at 152, Term and Condition #6).

In part because the Swan Crest 100 Run would result in effects not previously considered in consultations between the Forest Service and Fish and Wildlife Service, and would not comply with the Forest Plan requirements detailed in our attached letter, consultation must be initiated between the agencies in regards to the Run.

In part because the Swan Crest 100 Run would result in decreased grizzly bear security core, it violates the ITS and Terms and Conditions of the 2005 BiOp, necessitating re-initiation of consultation on the Forest Plan and Amendment 19.

We therefore must insist the Forest Service and Fish and Wildlife consult over the effects of the Swan Crest 100 Run on grizzly bear and the need to re-consult over the effects of the Flathead Forest Plan and Amendment 19.

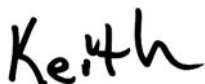
As it stands today, Swan Crest 100 Run organizers have recently updated the home page of their web site to deemphasize the commercial nature of the Run and have yet (according to Ranger Kehr) to submit the required permit application – raising the question of whether they intend to seek the required permit.

We must at this point insist on a written response from the Forest Service and Fish and Wildlife Service detailing how the agencies intend to insure the Run does not result in an un-permitted taking of threatened grizzly bear and setting forth dates certain by which a permit application for the July 29-31 Run will or will not be considered, by which consultation between the agencies will be undertaken, and by which federal agencies will enforce prohibitions against the Run, which is being advertised and entry fees received without the prior issuance of the required permit.

Given the inappropriate and inadequate timeframe being followed in this Run application and permit evaluation process, and the 60-day lawsuit notice provisions of the Endangered Species Act, we must insist on receiving a written response from the Forest Service and Fish and Wildlife Service by May 19.

Thank you for your attention to this matter.

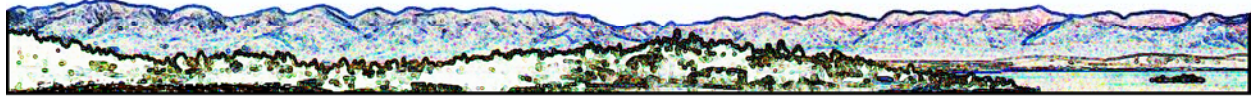
Sincerely,



Keith J. Hammer
Chair

Cc: Swan Crest 100 organizer Brad Lamson; swancrest100@gmail.com
Swan Crest 100 organizer Danni Coffman; danni.coffman@gmail.com
Andrew Orahoski – Attorney at Law; ecolaw@gmail.com
Andrew Johnson – SLRD Recreation; andrewjohnson@fs.fed.us

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May 10, 2010

Chip Weber – Flathead Forest Supervisor
Rich Kehr – Swan Lake District Ranger
Debbie Mucklow – Spotted Bear District Ranger
Jimmy DeHerrerra – Hungry Horse District Ranger

Re: “Extraordinary Circumstances” re Swan Crest 100 Foot Race. PDF via email to
cweber@fs.fed.us, rkehr@fs.fed.us, dmucklow@fs.fed.us, jdeherrerra@fs.fed.us

Dear Forest Supervisor and District Rangers;

Based on information provided at <http://swancrest100.com>, we have significant concerns with the Swan Crest 100-Mile Run. We provide below an initial list of concerns we believe demonstrate the Run is misplaced and we urge you to not accept the application for serious consideration. We have urged Run organizers to relocate their Run route to utilize open Forest Service roads or, if they insist on using public trails, to apply for use of trails outside sensitive roadless areas, proposed wilderness areas, and threatened grizzly bear habitat.

The following initial list of concerns also qualify as “extraordinary circumstances” necessitating the preparation of an Environmental Assessment pursuant to the Forest Service Handbook’s National Environmental Policy Handbook, Chapter 30, at 30.4 and elsewhere - should you decide to seriously consider the permit application.

The proposed Swan Crest 100 route would:

1. Violate areas recommended by the Forest Service for Wilderness designation south of Jewel Basin Hiking Area, particularly in the Broken Leg Mountain area. (See Flathead Forest Plan at IV-9 and IV-25).
2. Violate the Swan Crest Roadless Area, stretching from the Bob Marshall Wilderness to Columbia Mountain, all of which is being considered for Wilderness designation by the U.S. House of Representatives in the Northern Rockies Ecosystem Protection Act. (See H.R. 980).
3. Violate numerous grizzly bear core security areas through high-intensity human uses not allowed there under the Flathead Forest Plan. Flathead Forest Plan Appendix TT defines “high-intensity non-motorized use . . . as receiving 20 or greater parties per week.” This would be exceeded as the 50-some Run participants become spread out along the route.

Appendix TT defines grizzly bear “security core area [as] at least 0.3 miles from open roads and high-intensity, non-motorized trails.” Moreover, security areas “once established and effective [must] remain in place and operational for at least 10 years.” The Run will displace grizzly bears and cause the security core area(s) to cease being operation/secure, in violation of Flathead Forest Plan Amendment 19 and Appendix TT.

4. Will cause high-intensity human uses on the Napa Point and Alpine 7 trails - closed barely a year ago to motorcycles in order to reduce human impacts and reconnect grizzly bear core security areas fragmented by the trails (including Bunker Creek, discussed below). (See the April 2008 Environmental Assessment for Bruce Creek to Alpine 7 to Napa Point Motorized Trails Project, at 38 and elsewhere, and the April 2009 Decision Notice in this regard).

5. Violate the Bunker Creek grizzly bear management area, where the Forest Plan requires non-motorized recreation opportunities "will be provided at current [1986] levels, but will not be encouraged." (See Forest Plan at III-43). The Run and any authorization of such runs violate this Forest Plan requirement.

6. Research focused on the Swan Range shows the local grizzly bear population decreasing at over 2% per year, enough to halve the population in 30 years. This research was also used to set Forest Plan standards limiting motorized and high-intensity human uses in order to protect grizzly bear use of their habitat. (See Mace and Waller’s Final Report: Grizzly Bear Ecology in the Swan Mountains, Montana, at Errata Sheet for page 112).

7. While folks certainly have the right to run on Forest Service trails if they wish, group events that encourage such ill-advised activity in the habitat of forest carnivores like grizzly bears and mountain lions are another matter. The Swan Crest 100 Run sends the wrong message to the public about safe and ethical behavior in the backcountry. The National Park Service warns "Trail running is discouraged as there have been an increasing number of injuries and fatalities due to runners surprising bears at close range." Indeed, a trail runner was mauled by a surprised grizzly bear in Glacier National Park last June. (See <http://www.nps.gov/glac/planyourvisit/bears.htm> and <http://www.nps.gov/glac/parknews/news09-25.htm>).

8. The Swan Crest 100 Run would set precedent for others to seek special use permits for other group activities in the upper elevations of the Swan Range, including more running, mountain biking and motorcycling, among other things. This assumption is not far-fetched, given that this 100-mile, 50-person Run is apparently an extension/expansion of a previously permitted 57k/30-mile, 20-person Run, that mountain bikers already peddle from Napa Point to Swan Lake via the Napa Point, Alpine 7, and Bond Creek trails in a single afternoon, and that group motorcycle rides from Columbia Falls to Spotted Bear have occurred in years past and participants may wish to legitimize their activity by securing a permit.

It makes no sense to attempt to secure grizzly bear and other wildlife habitats from the impacts of motorized use, as in the Bruce-Alpine 7-Napa decision, only to turn around and permit and/or encourage high-intensity non-motorized human uses that research

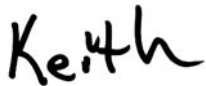
and the Flathead Forest Plan show have similarly negative effects on bears. Nor does it make sense nor comply with regulation and law to accept a permit application in mid-May for an event slated to be held July 29-31. This hardly provides adequate time for the minimum scoping and public involvement process required by NEPA, let alone the preparation and public review of the Environmental Assessment required due to the numerous extraordinary circumstances surrounding the current Run route.

We again urge you to not accept the Swan Crest 100 Run permit application and request that the organizers relocate it to areas that do not involve the above listed extraordinary circumstances. A running event that may serve as a better model can be found at <http://www.swanecosystemcenter.org/celebratetheswanrace.html>.

If you do decide to seriously consider the permit application, we ask that a full EA be prepared and circulated for public comment prior to any NEPA decision on the permit and that a robust scoping effort be undertaken.

We'll have more detail to provide when we have been provided the information requested in our FOIA request of last week.

Sincerely,

A handwritten signature in black ink that reads "Keith".

Keith J. Hammer
Chair

Cc: Swan Crest 100 organizer Brad Lamson; swancrest100@gmail.com
Swan Crest 100 organizer Danni Coffman; danni.coffman@gmail.com
Andrew Orahoski – Attorney at Law; ecolaw@gmail.com
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