

Forest Service denies appeal against biathlon course

By [EVE BYRON](#) - *Independent Record* - 09/17/08

An appeal of the U.S. Forest Service's June decision to allow a biathlon course near the top of MacDonald Pass has been denied.

In a letter sent to the Western Environmental Law Center in Helena this week, Jane Cottrell, an appeal deciding officer for the Region One USFS office based in Missoula, said she found that Helena National Forest Supervisor Kevin Riordan adequately considered all of the objections raised by environmental groups in their appeal of his decision.

"I find the forest supervisor has made a reasoned decision and has complied with all laws, regulations, and policy," Cottrell wrote.

Mike Garrity, executive director of the Alliance for the Wild Rockies, said he's disappointed by the decision and isn't sure how they'll proceed.

"We need to consult with our attorney on what to do next," Garrity said on Tuesday.

Mountain lions, wolverines, Canadian lynx, bobcats, gray wolves, grizzly bears, moose, black bears and a range of other wildlife live and travel along the public and private lands of the Continental Divide, including the MacDonald Pass area. Opponents of the course say it will disrupt travel corridors for the animals.

However, supporters note that the area already is heavily impacted by Highway 12 and cabins in the area, and say the National Guard's biathlon course will add to and enhance the current cross-country ski course maintained by volunteers.

Matthew Bishop with the Law Center said he's filed a notice of intent to sue under the Endangered Species Act on behalf of his clients, which include the Alliance for the Wild Rockies, Helena Hunters & Anglers, Margaret Regan, American Wildlands, Ken Wallace, Defenders of Wildlife, Diane Boyd, the Native Ecosystem Council, and the Montana Wilderness Association,

However, he's not sure if they'll take that route; the notice of intent, which is sent to the U.S. Fish and Wildlife Service, the Department of Interior and the U.S. Forest Service, merely keeps alive that option.

"We haven't decided on any particular course of action just yet," Bishop said.

The Montana Army National Guard wants to build what initially was estimated to be a \$1.5 million biathlon course on 31 acres of national forest land along the northwest side of MacDonald Pass west of Helena. The Guard first proposed the plan five years ago, and it is now expected to include 10 miles of trails, five buildings totaling 4,700 square feet, and a parking lot.

In a biathlon, cross-country skiers race around a course while occasionally stopping and shooting .22-caliber rifles at targets. The Guard trains biathletes to compete in the Olympics.

National Guard Sgt. Dan Bushnell said they haven't received notice of the decision denying the appeal, so the Guard isn't able to comment on it.

He said the Guard hasn't moved forward with planning or funding because of the appeal, so he's not sure when the course will be constructed or what the current cost estimates are for the project.

Along with concerns over wildlife impacts, other worries voiced by the public include whether there is adequate snowfall for grooming the cross-country ski trail; the cost of the facility, as well as whether it would be expanded in the future; whether the analysis was being done under an outdated Helena forest plan; and whether the environmental analysis needed to be done through a more in-depth Environmental Impact Statement.

Another USFS appeal officer added to Cottrell's letter of decision, with a longer analysis of the situation. Earl Stewart said the snow depth was adequately addressed in the environmental analysis, and Riordan's final decision was modified specifically to address wildlife habitat and travel corridors by diminishing the size of the structures and the dates when the course could be used.

"The wildlife biologist determined the project may affect, but is not likely to adversely affect grizzly bear, Canada lynx, and gray wolf," Stewart wrote. "The Forest consulted with U.S. Fish and Wildlife Service (USFWS), and they concurred with the determination. The project is in compliance with the Endangered Species Act."

He added that currently, there is no proposal to expand the biathlon facility, and any development beyond what is described in Riordan's decision would require a separate analysis and decision by the Helena National Forest.

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