

January 30, 2025

Comments on Flathead National Forest's Comprehensive River Management Plan (herein referred to as the plan) for the Three Forks of the Flathead River From Scott Snelson, Rexford, Montana.

Given the previous Forest Supervisor's assertions regarding the validity of the Wild and Scenic Rivers Act (WSRA), and his assertions that he could interpret the act and associated Outstanding Remarkable Values (ORVs) by personal fiat, the plan should include **a declarative statement outlining the Forest's recognition that the goal of the plan is to enhance or protect all ORVs measured against their condition at the time of establishment of the River as part of the Wild and Scenic River system.** Without such a statement included, capacities derived will have no stated reference point, will not inform the public as to the impacts of the plan and therefore will be arbitrary. This is particularly important given the recent record of the Flathead National Forest and the Regional Office leadership attempting to set capacities higher than those which would require the USFS to do anything meaningful as far as managing the river, its use, and its permitted outfitters for ORV protection and enhancement.

As evidenced by the Forest's information released during this proposed action segment of the public input process below, the Forest appears to be ignoring the plan's impact and potential impact on the fishery ORV and in particular the Forest's obligation under the Endangered Species Act to protect bull trout, as well as the WSRA's mandate to protect and enhance all ORV's. Not a single segment of the Forks has been listed to have its limiting attribute as Fisheries.

Section	Limiting Attributes	Proposed User Capacity (persons/day)
North Fork Scenic - MU1	Recreation	180 people
North Fork Scenic - MU2	Recreation	450 people
North Fork Recreation	Recreation	330 people
Middle Fork Wild (headwaters to Bear Creek)	Recreation	170 people
Middle Fork Recreation- MU1	Wildlife	100 people
Middle Fork Recreation - MU2	Recreation	1,100 people
Middle Fork Recreation - MU3	Recreation	1,280 people
South Fork Wild – MU1	Recreation	90 people
South Fork Wild MU2	Recreation	30 people
South Fork Recreation	Recreation	70 people

The Fishery ORV has dual components– fish populations, and the ability to enjoy quality fishing. Both attributes are required to not be diminished from a level experienced at the time of establishment.

With measured declines in bull trout redd (spawning “nest”) counts over recent years across their range and across the Flathead watersheds, Montana Fish Wildlife and Parks expressed concerns over changes in bull trout and westslope cutthroat fisheries across the Forks. To not list fisheries as a limiting attribute indicates that the Forest is ignoring the connection between float related fishing/recreating and the effects of these activities on fish mortality, distribution and catchability.

It was stated at the Jan. 22, 2025 public meeting that the limiting attributes analysis was conducted by an interdisciplinary team. Did this interdisciplinary team include a fisheries biologist familiar with bull trout and westslope cutthroat ecology in the Flathead system? It will not be true for the Forest to claim that these issues regarding bull trout and limiting attributes have not been raised as part of the internal discussions regarding the plan.

The plan’s enabling legislation and subsequent court determinations (in the Idaho District Court) require the Forest Service to do better than a “trust us” level of disclosure and standards for the determination of capacity levels. Unlike the minimum viable standard of resource protection afforded species under the Endangered Species Act, WSRA requires the Forest Service and other agencies with jurisdiction to protect and enhance ORV’s at levels enjoyed at establishment. Maintaining minimum viability is an insufficient standard for waters under this designation.

It has become the habit of the USFS to claim that because states have primary jurisdiction over fish population regulation, the USFS has little or no responsibility for the same. While a convenient rhetorical dodge for obscuring the USFS role and responsibility for providing for species abundance and viability, the separation has no ecological or regulatory basis for a bright line separation between agency responsibilities. The USFS’s responsibility for species protection under both ESA and WSRA does not end at providing habitat alone and needs to include the USFS responsibilities in regulating use levels that affect species populations and the quality of fishing.

If the “trust us” level of disclosure and analysis for fisheries is to be exceeded as required by law, regulation and court determination, the USFS will need to provide explicit rationale for how it intends to maintain the fishery both from a fish population basis and a fishing quality basis.

Language should be added to the fishery desired condition to include **maintenance of population levels and providing a fishing experience (catch rate) similar to that enjoyed on the river at designation**. The USFS needs to provide the public an explanation of how it intends to and at what level it is providing for maintenance of this ORV. I suggest here that catch rates might be the parameter cited for the latter. If an historic catch rate has not been measured by designated reach, a current catch rate can be determined and combined with historic population data to describe the status quo and project conditions back to establishment as a rational surrogate. My intent here is not to be prescriptive as to the method but instead direct attention to the need to get beyond an arbitrary determination of this fishery ORV’s quality attainment.

Climate and fish population estimate challenges

Internal Flathead NF documentation indicates that the effects of climate change are already detectable in changes in precipitation type, flow volume and timing, and stream temperature. The Flathead NF will need to take this into consideration in its obligations to provide for levels of use of the river, its experiential quality and its associated effects on fish populations and fishing quality.

It is incumbent on the Forest to do some kind of science-based projection of how climate is likely to continue to change in the coming decades and how that will affect thresholds and triggers in this plan. At a minimum, status quo use capacities should be the default unless the USFS can rationally describe how use levels are protecting all ORV's by reach. This should include a moratorium on issuing any additional special use permits for river use until the agency provides the public with a sound rationale for how ORV attainment will be assured by reach and ORV for any additional permitted use of the river or for any renewals of current permits that may not have had an analysis of ORV impacts.

The fishery ORV and in particular the fish population portion of this parameter will likely be the most problematic for managers, in that population estimates have statistical variation inherent in the methodologies currently used. This variation can limit managers' ability to detect population declines until they are well established. This will be challenging for the USFS to manage around as it is for Montana Fish, Wildlife and Parks, particularly as it relates to bull trout protection. And a meaningful attempt must be made and disclosed to the public.

Uniquely there is a relatively robust and defensible argument to be made (combined data from bull trout redd counts and population estimates) that at status quo use levels, there has not been a detectable decline in fish populations in the South Fork reaches of the river. A review of 2024 bull trout redd counts, which were abnormally low, should be considered as a check on this assertion. The effects of climate are on us. The USFS should disclose how this factor is considered in setting thresholds and triggers for the fishery ORV.

Thresholds and triggers set above this status quo level of use will necessarily be arbitrary for this fishery ORV unless more precise population estimates are developed or multi-vector data collection is invested in (ie, a combination of creel surveys, current population estimates, mandatory trip logs for floaters, redd counts). If higher than status quo use levels are chosen to bracket triggers and thresholds, USFS should disclose its rationale to the public.

Consultation with the US Fish and Wildlife Service (USFWS)

With the decline in bull trout redd counts in recent years, it is more necessary than ever that risk to bull trout populations be systematically considered and disclosed with some vigor in setting thresholds and triggers . Added, it is necessary that the USFWS be consulted on this plan.

General notes

It appears that additional special use permits for river use in the plan area continue to be issued without analysis or disclosure of impacts to the fishery ORV. A moratorium of issuing additional use on the river should be put in place until this plan is complete.

A statement was made at the January 22 public meeting by District Ranger Davies, to the effect that no changes would be made to river use management until after the new monitoring data prescribed in the plan was collected and analyzed. Davies indicated that it will be years from now before any changes will be made. As a party to internal deliberations on the river use and developing this plan several years ago, I know some segments of the river were experiencing use levels at or above those prescribed in the 1980 plan. It is not regulatorily necessary nor prudent to delay consideration of additional management actions for those segments until this next round of monitoring is complete and analyzed. I would suggest that this document disclose those segments that are at/exceed or are near the target levels of use described in the 1980 plan and begin to take appropriate management actions to address without delay.

I am happy to visit with you and/or your staff on this and other issues I do not discuss herein. I can be contacted at 406-660-7034, email: sisnelson@gmail.com.

I appreciate your consideration

Sincerely,

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Credentials:

Master Of Science, Biological Science, Fish and Wildlife Management, Montana State University
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