

# Swan View Coalition

*Nature and Human Nature on the Same Path*



3165 Foothill Road, Kalispell, MT 59901

swanview.org & swanrange.org

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January 30, 2015

Anthony Botello  
Flathead Forest Supervisor  
650 Wolfpack Way  
Kalispell, MT 59901

Re: Comments on the Comprehensive River Management Plan Proposed Action  
Submitted via <https://cara.fs2c.usda.gov/Public//CommentInput?Project=56536>

Dear Supervisor Botello;

Please accept these comments on your Comprehensive River Management Plan (CRMP) Proposed Action (PA) into the public record. They are submitted on behalf of Swan View Coalition. We incorporate by reference the comments being submitted by Friends of the Wild Swan.

We find that your PA violates the primary purpose of the CRMP, which is to “protect AND enhance the values for which a river was designated [Wild and Scenic].” (River\_Plan\_ScopingPresentation\_Jan 2025.pdf) Indeed, the “Wild and Scenic Rivers Act requires the administering agency to protect and enhance the river’s free-flowing condition, water quality, and its outstanding remarkable values.” (PA at 3).

The PA fails to acknowledge that “outstanding remarkable values,” such as uncrowded recreational opportunities, have already been degraded. This is especially true of degradation by commercial use wherein service days on the Lower North Fork and Lower Middle Fork exceeded the permitted service days for all years from 2015-2023, at times by as much as 275%! (See our corrected 10/28/24 letter in this matter, included in this pdf, and “20241009 North and Middle Fork Flathead River Permit Information.pdf” found at <https://www.fs.usda.gov/project/flathead/?project=66916> ).

Indeed, the PA at 20 acknowledges that the “average actual use for the combined [Middle Fork] reach over the past five years is 71,889 service days,” which is more than twice the 35,713 “current amount of authorized service days”! This overuse and overallocation of commercial use apparently was allowed via extra allocations from a “priority use pool” that is currently “variable and uncapped” (PA at 20).

Rather than reduce authorized service days, the CRMP PA proposes to nearly quadruple the current amount of authorized service days on portions of the Middle Fork by increasing authorized commercial service days from the current 35,713 to

136,000! It apparently intends to do so by holding the increased amount “in priority and temporary use pools.” (Id.) These pools appear to be functioning as a shadowy slush fund, making it difficult to impossible for the agencies and the public to identify and strictly limit the amount of commercial service days.

Rather than set strict limits and stick to them, the PA proposes to kick that can down the road (while concealing the actual use increase) by allowing increases in commercial service days to be made piecemeal via a “slush fund/pool” when use levels meet the limits set in the commercial permits. This in no way protects or enhances recreational “outstanding remarkable values.” Quite the contrary, the CRMP PA would protect and enhance the financial bottom line of the commercial outfitters instead. The vast majority of use should be allocated to private parties, not commercial outfitting and guiding!

The PA does not contain provisions to correct the problems outlined above:

1. The Triggers are too lenient and too slow to trigger meaningful and timely corrective action. The “3 out of every 5 years” time frame for exceeding a trigger on boats passing by per day not only masks actual excessive boat traffic, it requires years to even trigger corrective action. Triggers should be immediate so that corrective action is taken immediately. The percentages of the days monitored should be eliminated because they also remove the immediacy of the trigger and corrective action and mask the actual impacts that occur.

2. Table 5 of the PA, pages 21-25, states that “For each indicator, potential management action(s) are identified, that would be taken, if a particular trigger is reached.” In fact, no potential management actions are listed, nor is there even a column for them to be listed in Table 5. The management actions listed in Table 4 of the PA appear aimed at overall CRMP implementation, not corrective actions to be taken when Triggers are exceeded in order for conditions to not decline to or below the Threshold.

3. As stated above, the planned increases in commercial service days and the priority pools should be eliminated from the CRMP and service days must be strictly limited to protect and enhance outstanding remarkable values.

4. Page 17 of the PA essentially states that user capacities, expressed in numbers of people, were derived from past data on “actual user estimates.” The PA, however, does not explain how past actual use has anything to do with acceptable user capacities that protect and enhance outstanding remarkable values. The reader is left with the suspicion that user capacities are being developed to accommodate current and unacceptable amounts of use, rather than to protect and enhance outstanding remarkable values. The PA also fails to explain how it conforms its proposed use levels, especially commercial service days, to the Proposed User Capacity.

5. Tables 4 and 5 of the PA list user amounts that simply don’t pass the straight-face test for acceptable levels of use that protect and enhance outstanding remarkable values – listing “60 boats per day” for the North Fork Recreational and group size limits of 50 on and off the river for other WSR segments.

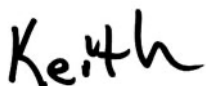
Members of Swan View Coalition have worked as river guides on the Flathead's Wild and Scenic Rivers and many are avid river runners. They have seen these issues from both the private and commercial sides, enjoying kayak surfing a wave in a rapid while also being run off that wave by large commercial groups of rafts not-so-affectionately called "erasers." Use on these rivers was failing to protect and enhance outstanding remarkable values back in the 1980s and it has only gotten worse, way worse, since. That said, we support some of the management actions outlined in the PA:

1. We support the mandatory, free float permit for private parties, but only if it is readily accessible at home or on the way to the river – and that the intent is for collecting user data to inform better management.
2. Prohibit motor vehicle camping or parking on gravel bars.
3. Requiring metal fire pans or fire blankets for campfires in the WSR corridor.
4. Noise levels cannot exceed 60 decibels at 50 feet or make noise that is unreasonable. This should automatically prohibit, but you should expressly prohibit, the use of drones in the Wild and Scenic corridor.
5. Prohibit dogs between Bear Creek and Essex and require continues downriver travel in the vicinity of the Walton Goat Lick.
6. Camping prohibited from Belton Bridge to McDonald Creek.
7. Install a sign for the Mid Creek Takeout to warn float parties about Meadow Creek Gorge.

In addition to the management actions listed above, we want to see more monitoring and management actions to protect wildlife in addition to mountain goats. The PA offers little in terms of concrete protections for all wildlife species, not even a food storage order. As mentioned in the attached letter, an EA may be the minimum level of NEPA documentation necessary to update this CRMP and to issue commercial river permits. Now that we've seen the degree to which the PA would increase impacts and fail to protect and enhance outstanding remarkable values, an EIS is likely in order.

Thank you for this opportunity to comment and please keep us informed.

Sincerely,



Keith J. Hammer  
Chair

Attachment: 10/28/24 (corrected) SVC letter commenting on the Flathead River O&G Permits

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October 28, 2024 (*Corrected 1/27/25*)

Robert Davies  
District Ranger  
PO Box 190340  
Hungry Horse, MT 59919

Re: North and Middle Fork Flathead River O&G Permits Renewal Project

Sent as a pdf to [comments-northern-flathead-hungry-horse-glacier-view@usda.gov](mailto:comments-northern-flathead-hungry-horse-glacier-view@usda.gov)

Dear Ranger Davies;

We have read your 9/16/24 letter in the above matter and the "Permit Information" that was posted to the project website. These comments are submitted on behalf of Swan View Coalition and Friends of the Wild Swan.

Those documents unreasonably constrain the scope of the problem and proposal by not allowing consideration of "changes to the current allocation system." Page 3 of the Permit Information states:

Since 2021, river encounter monitoring indicates the Lower Middle Fork was approaching a threshold for encounters with other floating parties on the river, per standards established in the current river management plan. In response to these monitoring data, the authorized official did not approve all of permittees' requests for priority use pool service days from 2022-2024.

Tables 2 and 4 show clearly that service days on the Lower North Fork and Lower Middle Fork exceeded the permitted service days for all years presented (2015-2023), at times by as much as 275%. Table 2, however, simply lists the Available Priority Use Pool Service Days as "variable." (*Corrected 1/27/25 to read 275%, not 50%*).

Actual commercial use service days are obviously greatly exceeding the permitted service days in an arbitrary and capricious fashion not fully disclosed to the public. The number of permitted service days and the size of the priority use pool service days is most certainly at the top of the public mind and must be included within the scope of this project.

Instead, you are trying to ignore the problems at hand and limit the scope of the project in order to then authorize another round of permits with a Categorical Exclusion. The increasing demand for river recreation and the demand for more priority use pool

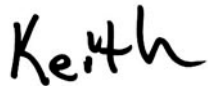
service days are precisely the type of “extraordinary circumstances” which preclude the use of a Categorical Exclusion, not to mention the impacts to threatened wildlife that include bull trout, grizzly bear, wolverine, and lynx.

Because you have yet to complete your new Comprehensive River Management Plan (CRMP), you have no attendant EA or EIS to which to tier this project analysis. We therefore ask that you prepare at least an EA for this permit renewal project and that, as a matter of applying conservative principles to the management of these precious resources, that you limit any renewed permits to the current permitted service days or fewer and do away with the priority use pool service days – at least until the new CRMP is completed.

It makes no sense to simply continue with business as usual, which is what this project proposes, in the face of rapid growth in both non-commercial public use and outfitted commercial use. Until you’ve set adequate maximum capacities for both types of use, you’ve no business permitting what largely amounts to unquantified and undisclosed levels of impact to the environment and recreating public.

Thank you for this opportunity to comment and please keep us posted.

Sincerely,



Keith J. Hammer    and for  
Chair  
[keith@swanview.org](mailto:keith@swanview.org)

Arlene Montgomery  
Program Director  
Friends of the Wild Swan  
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