

Comments via the portal at:

<https://cara.fs2c.usda.gov/Public//CommentInput?Project=56536> .

February 4, 2025

Mr. Christopher Prew  
Flathead National Forest Supervisor's Office  
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Dear Flathead National Forest Supervisor and staff:

Please accept the following public comments relating to the proposed Flathead National Forest's Comprehensive River Management Plan (hereinafter, "River Plan") for the Three Forks of the Flathead River from me on behalf of the Council on Wildlife and Fish, Alliance for the Wild Rockies, and Native Ecosystems Council.

These comments are being sent/submitted via email, and we respectfully request confirmation of receipt via email to [troutcheeks@gmail.com](mailto:troutcheeks@gmail.com).

Let me first say: The actions being proposed are inaccurate and incomplete, and far exceed the limits of acceptable adverse environmental impacts, and will fail to meet the minimum legal requirements of Section 3(d)(1) of the Wild and Scenic Rivers Act ("Act"). The proposed River Plan is neither "comprehensive," nor will it "enhance" or provide the minimum legal "protection of river values" required by the Act.

In our opinion, the operation, enforcement of Plan standards, user threshold levels and planning, have been in non-compliance with the Act since the early 1980s. I used to live at Blankenship Bridge and can tell you from personal experience commercial use, combined with private use that it was a 'circus' then, and is at least a 'three-ring circus' now due to agency indifference, incompetence, neglect, and a significant bias toward commercial uses and against fish, wildlife, solitude, and high-quality recreation experiences and blatant insubordinate opposition to compliance with the provisions of the Wild and Scenic Rivers Act

## What “Baseline?”

The Flathead National Forest failed to analyze and disclose what *baseline* ecological, biological, scenic, spiritual, economic and socio-cultural values were at the time the Flathead River (all 3 forks) was established as a national treasure with the 1976 Wild and Scenic River designation. (Emphasis added).

These values we have noted above are defined in the Act as Outstanding Remarkable Values (ORVs). In other words, the proposed River Plan has arbitrarily and capriciously narrowed the role and scope of Section 3(d)(1).

NEPA and the Act both require that the agency conduct a broad, interactive, interdisciplinary, co-creative, open-public process to fully analyze, thoroughly discuss in a public arena, and disclose all relevant data and studies to the general public without holding back important information or ignoring public comments that don't fit presumptions/assumptions made prior to NEPA scoping. This proposal has, unfortunately, fallen far short of the minimum legal requirement we have outlined above.

For example:

*In 2013 the Forest and Glacier National Park reviewed the ORVs in detail and described their status and relevant region of comparison for each category in the “Outstandingly Remarkable Values Assessment of the Flathead River System” (ORV Assessment) (Forest Service and Glacier National Park 2013). Forest Service and Glacier National Park. (2013).*

See: *Outstandingly Remarkable Values Assessment of the Flathead River System. Flathead National Forest, Glacier National Park. Kalispell, MT: Flathead National Forest and Glacier National Park, Appendix, p. 10.*

But that's not exactly true. Upon closer examination, this assessment indicates to us that *baseline analysis* was not taken from either 1976, or 2013, but from the Outstandingly Remarkable Values Interagency Workshop held January 31 - February 1, 2012 at the Hungry Horse/Glacier View/Spotted Bear Ranger District Headquarters in Hungry Horse, MT. Ibid, p. 44. (Emphasis added).

Workshop participants submitted written reports on “existing (2012) information about the river's resource values, flowing condition and water quality.”

*Workshop Preparation Development of the ORV statement for the Flathead River began well before the workshop started. Prior to the workshop, participants were asked to complete a written report requiring them to gather, review, and summarize existing information about the river's resource values, free-flowing condition, and water quality. Participants were asked to pay particular attention to any differences in the resource values between segments and between the forest and park. Completing these reports ahead of time gave specialists an opportunity to review existing documentation and articulate their own understanding of the river's resources. Id.*

As anyone with eyes can clearly see the 2012 and 2013 were never compared to 1976 baseline conditions, which according to the Act are to be “maintained and enhanced.” Instead, highly subjective opinions of the workshop participants were substituted for 1976 baseline data, monitoring reports and other baseline facts known at the time of Wild and Scenic River designation. This is a gross error in judgment, which jeopardizes the integrity of the scientific approach and meaningful public participation, rendering the current NEPA process insufficient, in violation of the Wild and Scenic Rivers Act and NEPA's purpose and intent.

Where in the record are these 2012 “specialist reports” from the workshop that apparently are driving the entire analysis and disclosure process? Where are the baseline ORV data, analysis, and reports from 1976? And what monitoring and reporting has been done relating to ORVs between 1976 and 2012-2013? Please disclose all data, reports and analysis that may exist in USFS-USDA and/or Glacier National Park files relevant to this proposed River Plan process. We are not seeing any of this in the materials being presented today.

Certainly, resident, and guided float trips have significantly added to fishing pressure. Plus, commercial tourism (various special-use river permits) is out of control.

Plus, sediment impacts from logging and roadbuilding (and associated poaching and hunting access), plus prescribed burning, plus Glacier Park use numbers and associated increased fishing pressure, and plus climate change, just to name a few obvious impacts, none of which are included in the impact matrix in this proposed River Plan, or the 2013 ORV report being used as baseline.

Instead, cumulative adverse impacts and industrial and recreational use levels, far, far exceed the 1976 baseline. These are not insignificant oversights.

Please include and disclose all relevant (past, present, and foreseeable future) data, reports and analysis known to Glacier National Park, and the Flathead National Forest.

The impacts are significant, which warrants an EIS, preferably a joint EIS with Glacier National Park and Montana Fish Wildlife and Parks, co-authoring the process.

What makes this situation particularly alarming is the pattern of similar bad attitudes demonstrated by the Flathead National Forest and Region 1 attempting arbitrarily raise use levels (using a CE) even higher for special-use permitted commercial outfitters – the antithesis of reasonable and prudent ORV management supposedly prioritizing the full range of protection and enhancement options for Flathead River ORVs. Total daily use is insanely out of compliance. Commercial use permit numbers must be significantly reduced.

A comparison between the Flathead Wild and Scenic River Plan, approved in August, 1980, and later included in the Flathead Forest Plan, approved December 1985 and the current use levels and ecological and adverse impacts to ORVs, including fisheries, especially bull trout, wildlife and recreational quality will show just how ineffective the USFS-USDA has been as a river manager from 1980 until the present time when it is clear that use levels and environmental impacts have been totally ignored, monitoring has been inadequate, and annual reporting has either been withheld from this Scoping/NEPA process, or those records simply do not exist. Where is the data for all those years?

### **ESA/Bull Trout**

The River Plan's fishery ORV is or should be guided by the Bull Trout Recovery Plan and Endangered Species Act. The Act requires that the emphasis of the River Plan is to protect and enhance all ORV's. Fisheries, including bull trout are the most vulnerable, most threatened resource value of all those listed.

Where is the concern for bull trout? Where is an action plan to contribute to bull trout recovery? Where is the Biological Assessment and consultation with the U.S. Fish and Wildlife Service? Does Glacier National Park have an "incidental take permit?" Does the Flathead National Forest have in its possession a Biological Assessment (BA), or a Biological Opinion and ITP (Incidental Take Permit) for

bull trout for this, or any other past Flathead River Plan? Disclose what exists and put it all in the record before a Decision is made.

Where is the Incidental Take Permit for bull trout that covers Montana Fish Wildlife and Parks' level of take by issuing unlimited fishing licenses and commercial fishing and guiding permits which do nothing to contribute to the recovery of bull trout?

The proposed Plan violates the Endangered Species Act (ESA).

### **Wildlife Concerns**

Please identify and map all watercraft launch sites and the date when they were established.

Please identify and map all known wildlife river crossings and migration corridors within the area designated in 1976 under the provisions of the Wild and Scenic Rivers Act.

Please identify how each of "the previous river management plans" compare to the proposed current management plan wildlife component.

Please identify the specific language and page numbers being "carried forward from previous plans."

Please identify those components in each 'old plan' that will need to be strengthened, and those components that have been weakened or dropped as old plans have been updated over the decades since the original 1980 Plan.

Please disclose and analyze what Glacier National Park has been doing since 1980 to allow the current overuse and abuse of the Flathead River system and explain why Glacier National Park is not a joint partner in the NEPA process.

### **Conclusion**

The Flathead National Forest and R-1, and the entire USFS-USDA has failed miserably to adhere to the spirit and intent of The Wild and Scenic Rivers Act. The Act's 'protect and enhance' mandate has failed the Outstanding Remarkable Values by failing to *limit* (Limits of Acceptable Change; See 1980 River Plan) recreational uses, especially commercial outfitter uses. ORVs have been significantly

corrupted by agency bias and gross neglect. Permitted commercial use must be reduced to 1980 levels to comply with the Act.

Commercial use is out of control. *Exhibit A*: The Middle Fork has seen the permitted level of service days double just in the past 5 year, to 35,713. You can't make this stuff up!

Party size limits must be reduced.

Monitored must be implemented and standards must be upgraded and enforced. There is no "adaptive" management plan without strict monitoring practices, annual reporting, and enforce non-discretionary, mandatory management standards. Violators should have their special-use permits revoked.

There need to be a 'reasonable range of viable' NEPA alternatives.

It's time match words with action and prioritize wildlife, fish and aquatic ecosystem health and function over recreation and making a fast buck destroying Nature. The current situation is a disgraceful demonstration of human depravity.

The proposed Flathead Wild and Scenic River Plan violates the ESA, NEPA, APA and Wild and Scenic Rivers Act.

Thank you for considering our comments.

Sincerely yours,

Steve Kelly, President, Council on Wildlife and Fish P.O. Box 4641, Bozeman, MT 59772; 406-920-1381 and;

Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com. and;

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; phone 406-459-4936; wildrockies@gmail.com.