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Flathead National Forest
650 Wolfpack Way
Kalispell, MT 59901
Attn: Anthony B. Botello

Subject: Advocating for Reduced Commercial User Days and Equitable River Use Allocation

Dear Mr. Botello,

I am writing to express my serious concerns regarding the proposed commercial user day allocations within the Flathead Wild and Scenic River System, as outlined in the **Comprehensive River Management Plan (CRMP)** and the **United States Department of Agriculture (USDA) Proposed Action document**. While I appreciate the ongoing efforts to balance recreation and conservation, I strongly urge a **reduction in commercial user days** across all **three forks of the Flathead River**. This is essential to protecting the **Outstandingly Remarkable Values (ORVs)** and ensuring compliance with the **Wild and Scenic Rivers Act**, thereby avoiding legal challenges that have occurred on other rivers.

The Need for Lower Commercial User Days

The current CRMP proposes **86,000 commercial user days for Middle Fork MU2** and **50,000 for MU3**, totaling **136,000 user days**. This marks a drastic increase over the five-year average of **71,890 commercial user days** for these sections, contradicting the stated goal of **preserving ORVs**. Similarly, in the North Fork and South Fork sections, commercial allocations continue to rise without sufficient data demonstrating that such increases are sustainable. **Unregulated growth in commercial user days is already exceeding environmental thresholds and degrading river resources..**

Equitable Allocation Between Public and Commercial Users

The CRMP disproportionately favors commercial outfitters by already exceeding acceptable limits without the inclusion of Public boater user days. The proposed action does not establish a Public boater user day baseline or an acceptable level of growth. For example, **in Middle Fork MU2, commercial use is set at 80% of total capacity**, does this leave only 20% for Public users? This discrepancy is not only unfair but **mirrors legal disputes on the Colorado River and Middle Fork Salmon**, where excessive commercial allocations led to lawsuits.

The Flathead National Forest must **adopt a distribution model, allocation** or a system where **both Public and commercial use grows in parallel**, from an established equitable starting point ensuring that Public users are not disadvantaged as commercial capacity increases.

Protecting ORVs and Avoiding Legal Challenges

The **Wild and Scenic Rivers Act** mandates the protection of **free-flowing conditions, water quality, and ORVs**. The proposed increase in commercial user days threatens **wildlife, fisheries, and the scenic integrity of the Flathead River System**. The USDA's Proposed Action document explicitly acknowledges these risks, highlighting the potential for **degraded habitat, increased erosion, and overcrowding at access points**.

Moreover, past **CRMP drafts included crucial monitoring indicators**—such as crowding at access points, human waste management, and shoreline degradation—that have now been omitted. Without proper enforcement, increased commercial use **jeopardizes ORVs and invites potential litigation**, as seen on other rivers where capacity limits were exceeded.

Recommendations

To ensure the protection of the Flathead River System, I urge the following actions:

1. **Reduce commercial and Public user days** to a total of **86,000 across Middle Fork MU2 and MU3**, and proportionally decrease allocations for the **North and South Forks**.
2. **Implement an equitable allocation** of user days between Public and commercial users to ensure fairness and avoid legal challenges. To be equitable baseline user days should be weighted toward the Public boater.
3. **Reintroduce key monitoring indicators** from previous CRMP drafts, including **crowding, human waste, and wildlife impacts**, with **clear triggers and thresholds**.
4. **Strengthen enforcement measures** to prevent overuse, including requiring free unlimited **permits for Public users** to improve data collection and **ensure commercial operators adhere to sustainable limits**.

The Flathead River is an irreplaceable resource, and its protection must take precedence over increased commercial capacity. By adopting these recommendations, the **Flathead National Forest can uphold the values of the Wild and Scenic Rivers Act, safeguard the ORVs, and prevent unnecessary legal disputes**.

Thank you for your time and consideration.

Sincerely,

Jeff Gilman

Founding Member and Past Vice President, Flathead Rivers Alliance