

FRIENDS OF THE WILD SWAN

Objector

v.

ANTHONY BOTELLO

FLATHEAD FOREST SUPERVISOR

Responsible Official

DECISION OBJECTED TO:

OBJECTOR:

July 10, 2026

STANDING:

Members of Friends of the Wild Swan recreate in and otherwise visit the Project Area. We submitted comments on the Proposed Action on February 4, 2025, supplemental comments on the proposed action on February 6, 2025 and comments on the Environmental Assessment on March 5, 2026.

• OBJECTION STATEMENT

The Comprehensive River Management Plan (CRMP) for the Flathead Wild and Scenic River fails to protect the Outstandingly Remarkable Values (ORVs) of this wild and scenic river system in violation of the Wild and Scenic Rivers Act.

The CRMP requires an Environmental Impact Statement to fully analyze the impacts and protect the Outstandingly Remarkable Values and threatened bull trout consistent with the National Environmental Policy Act and Endangered Species Act.

We raised this issue in our scoping and Environmental Assessment comments.

OBJECTION

"The Wild and Scenic River Act requires the administering agency to prepare a CRMP "to provide for the protection of the river values" (Section 3(d)(1)). This includes resource protection related to the WSR's free-flowing condition, water quality, and outstandingly remarkable values."

Section 10(a) of the Wild and Scenic Rivers Act directs that: Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.

In its technical report on managing wild and scenic rivers (*Wild and Scenic River Management Responsibilities* (2002)) the [Wild and Scenic Rivers] Council interprets Section 10(a) as: "Protect rivers by documenting and eliminating adverse impacts on values (free-flow, water quality, Outstandingly remarkable values), including activities that were occurring on the date of designation. Enhance rivers by seeking opportunities to improve conditions."

While the term "protect" is interpreted by the Council above as "eliminating adverse impacts," it is not interpreted as an **absence** of impacts. Rather, each wild and scenic river-administering agency must, based on best available scientific information and reasoned professional judgment, ensure that existing values are protected and, to the extent practical, enhanced. The river-administering agency must also establish a positive trajectory for any value that was in a degraded condition on or after the date of the river's designation.

This direction by Congress, which has been affirmed in several court cases,* is why defining baseline conditions of the values for which the river was designated (free-flow, water quality, and outstandingly remarkable values) is critically important. This baseline serves as the basis from which the degree/intensity of existing and future impacts can be measured. All future activities are to be measured from this baseline to ensure continued high quality conditions and to eliminate adverse impacts (*protect*) or improve conditions (*enhance*) within the river corridor. If a thorough resource assessment that includes a baseline description of the Outstandingly remarkable values is not completed at the time of designation, this assessment should be

included in the river management plan. The river management plan then establishes the baseline conditions at the time of designation—including a description of any degradation—and proposes management actions that will be taken to improve conditions until they meet the requirement to protect and enhance the river's values, including free flowing condition, water quality, and outstandingly remarkable values. [See <https://www.rivers.gov/question/what-meant-terms-protect-and-enhance-section-10a-wild-scenic-rivers-act>]

Neither the Flathead river management plan or the Environmental Assessment contain the baseline conditions at the time of designation, the current conditions, analysis of whether conditions have improved or been degraded, and remedies for maintaining and/or improving river conditions.

Given the threatened species that use the aquatic and terrestrial environment of the Flathead wild and scenic rivers and the outstandingly remarkable values at risk an Environmental Impact Statement must be prepared to fully analyze a suite of alternatives, baseline, user capacity and cumulative impacts.

• OBJECTION STATEMENT

The Monitoring Plan, Indicators, Triggers and Thresholds lack actions to be taken when triggers and thresholds are reached in violation of the National Environmental Policy Act, National Forest Management Act and Endangered Species Act.

We raised this issue in our scoping and Environmental Assessment comments.

OBJECTION

A five year sustained decline in bull and westslope cutthroat trout is the wrong threshold when both species have already declined. The response to comments on page 4 acknowledges that data has not been collected on the relationship between recreation and impacts to native fish. [See "The lack of data highlights the need for continued monitoring, targeted studies, and adaptive management to improve our understanding of how different use patterns, especially recreational angling, may influence fish populations over time."]

Bull trout were designated an endangered species in 1999 and critical habitat was designated in 2010. There has been ample time to collect this type of information yet the Flathead and Glacier National Park just keep kicking the can down the road.

The data that has been collected indicates a worsening of conditions for bull trout. Redds are not monitored annually in the South Fork wilderness tributaries but they saw a steep decline between the 2019 redd counts and the 2023 redd counts and even further decline in 2024. FWP adjusted the fishing season downward due to angling mortality contributing to this declining trend.

A five year sustained decline is not a good metric because it allows for even further, unsustainable declines in redd counts and increase in angling mortality before any unspecified action is taken. The EIS should reflect that current conditions in the South Fork have declined

due to climate change and overfishing compared to the baseline. North Fork redd counts are also in decline. **Measures should be taken now, not 5 years into the future, to halt the decline and methods developed to bring the conditions back to the baseline at time of designation.**

Similarly, a sustained 10 year decline in stream habitat metrics is too long to allow habitat degradation. [Although this was removed from the CRMP it is still in the Forest Plan and must be re-evaluated based on current conditions not those prior to 2018.] This must be shortened so that immediate actions can be taken to remedy any damage.

The EA did not identify the PIBO monitoring sites, as well as disclose and analyze the PIBO monitoring data. This information must be readily available to the public on the Flathead's website through monitoring reports -- currently this information seems to only be available through a Freedom of Information Act request. Is PIBO monitoring currently, and will it continue to be, funded?

The response to comments states, "there is no guarantee of future funding for any monitoring program." If you can't afford to monitor then you should not be increasing user capacity.

REQUESTED REMEDY

- Withdraw the Comprehensive River Management Plan, Environmental Assessment and Draft Decision Notice and prepare an Environmental Impact Statement that addresses the impacts to Outstandingly Remarkable Values since the time of wild and scenic river designation. Protects bull trout and native fish from overuse and overfishing. Develop a monitoring plan that actually has the funding to monitor ORVs. Develop triggers that have an immediate effect rather than allowing years to pass without any action to address the problem.