



July 13, 2026

Flathead National Forest
Hungry Horse Ranger Station
Rob Davies, District Ranger
P.O. Box 190340
Hungry Horse, MT 59919

Re: American Rivers Objection to the Three Forks of the Flathead Wild and Scenic River Comprehensive River Management Plan

Dear District Ranger Davies,

American Rivers formally objects to the Decision Notice and Finding of No Significant Impact (FONSI), the Environmental Assessment (EA), and the Three Forks of the Flathead Wild and Scenic River Joint Comprehensive River Management Plan (CRMP) dated May 2026. We do so in accordance with the regulations under subparts A and B of 36 CFR Part 218 within the 45-day objection period ending July 13, 2026.

Lead Objector

A handwritten signature in black ink that reads "Lisa A. K. Ronald".

Lisa Ronald
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About American Rivers

Since 1973, American Rivers has protected wild rivers, restored damaged rivers, and conserved clean water for people and nature. Headquartered in Washington, D.C., and supported by more than 355,000 members, supporters, and volunteers nationwide, American Rivers is the most trusted and influential river conservation organization in the United States. We deliver solutions to reduce pollution, improve access to clean water, and safeguard public drinking water supplies. We maintain offices in every region of the country, including the Northern Rockies, where thousands of our members and supporters live, work, and recreate in the Flathead watershed.

During 2026, as we celebrate the 50th anniversary of the designation of the Flathead as a Wild and Scenic River, we appreciate the efforts of the Flathead National Forest and Glacier National Park in stewarding this river for the past five decades. American Rivers has participated throughout the revision of the CRMP, and we value the work that the Forest Service and National Park Service have invested in this important document to guide future

river management. The issues described in our objection target persistent flaws in the plan that we feel minimize its effectiveness and application over time.

Summary

The following is a summary of the sections in this document.

1. Statement of the issues and parts of the CRMP to which this objection applies.
2. Inconsistencies with law, regulation, or policy.
3. Detailed description of the objection and suggestions on how the CRMP may be improved to remedy the objection.
4. Statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection.

1. Statement of the issues and parts of the CRMP to which this objection applies

The parts of the FONSI, EA, and CRMP to which this objection applies include, but are not limited to, the following:

- User Capacity Analysis found in Appendix B of the CRMP.
- Existing Regulations found in Appendix C of the CRMP.
- Comment Response found in Appendix E of the CRMP.
- Recreation Specialist Analysis accompanying the CRMP dated January 9, 2026
- EA
- Chapters on Ongoing Management Actions (pg. 80), Proposed Management Actions (pg. 91), Future Management Actions (pg. 99), and Monitoring and Adaptive Management Strategy (pg. 100) within the CRMP

2. Inconsistencies with law, regulation, or policy

Under the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A), agency action must be set aside if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. An agency must articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made. The National Environmental Policy Act (NEPA) likewise requires the agency to take a hard look at environmental consequences and to provide a reasoned explanation supported by the administrative record. Across all of the issues we raise below in Section 3, the agency has failed to align with the requirements of the APA and NEPA. Further, the CRMP also violates or is inconsistent with the following:

- Wild and Scenic Rivers Act
 - Sec. 10(a)
 - Sec. 10(b)
- Endangered Species Act
- Plain Writing Act of 2010
- 2012 Planning Rule
 - Sec. 219.6(l)

- Guidance from the Interagency Wild and Scenic Rivers Coordinating Council
- Current Flathead River Management Plan

3. Detailed description of the objection and suggestions on how the CRMP may be improved to remedy the objection

A. *Specific to user capacities, the Forest Service:*

- ***Acknowledges that negative impacts to Outstandingly Remarkable Values (ORVs) are already occurring at current use levels, yet fails to analyze use capacities set at current levels;***

Proposed user capacities on all three forks are significantly higher than current use estimates, in some segments by as much as 300%. The EA dismisses an alternative that sets user capacities at current levels, despite support for this expressed during scoping phase. Evidence exists that current use is already impacting ORVs and more use will magnify impacts—the fishery (EA pg. 32, 35), wildlife (pg. 46, 49, 52), recreation including campsite degradation, trash, and human waste (EA pg. 20-22, 2017-2022 Bob Marshall Wilderness Limits of Acceptable Change monitoring report). Failure to protect ORVs violates the Wild and Scenic Rivers Act, Sec. 10(a) and guidance from the Interagency Wild and Scenic Rivers Coordinating Council on user capacities.¹

- ***Prioritizes access by relying on a single study, while ignoring greater numbers of contrary comments from the public;***

The January 2026 Recreation Effects Analysis heavily cites a single study by Armatas et al. in 2020 to justify prioritizing access above all other values held by the recreating public when proposing user capacities. This pre-COVID study is based on a sample size of 165 people and 19 interviews, and the methods do not clearly indicate that access is the most important value across the Flathead Wild and Scenic River system, nor that it should provide the Forest's undergirding philosophy for liberally inflated use. Further, reliance on singular or limited science violates the 2012 Planning Rule, Sec. 219.6(l).

A significant volume of comments during the proposed action, EA, and public interest meetings repeatedly expressed concern with the magnitude of user capacities, despite increasingly clear explanations provided by the Forest during the evolution of the CRMP. This indicates that continued concern is not rooted in misunderstandings about user capacities, their derivation, or their intended uses. These stated concerns come from a collectively greater number of people than were surveyed in the 2020 Armatas study that the agency is using to undergird its user capacity philosophy. Yet, thus far, the Forest Service's response has been limited to a slight reduction in allocated user days on Middle Fork Recreational MU3, rather than a meaningful shift in fundamental approach to be responsive to public input.

- ***Ignores current facility limitations.***

Prior iterations of proposed user capacities dating back to at least 2021, if not earlier, acknowledge internal staff concerns and concern from Glacier National Park about incongruence between high user capacities and available parking and existing congestion at boat ramps. Proposed user capacities ignore constraints inherent to the size, structure, and number of current access points and their associated

¹ Interagency Wild and Scenic Rivers Coordinating Council. February 2018. Steps to User Capacities for Wild and Scenic Rivers. <https://www.fws.gov/rivers/sites/rivers/files/2023-02/user-capacities.pdf>

infrastructure and facilities, while making no concrete commitments to enlarge existing facilities or create new ones.

Remedy: American Rivers' objection would be remedied with a full analysis and adoption of user capacities set at current use levels. Once the mandatory, unlimited permit system has been implemented, accurate use measurements will allow for strategies to better disperse existing use in space and time or adapt user capacities based on actual data, coupled with the results of robust monitoring.

B. *The human-waste regulation is inconsistent across the Flathead River system and with regulations required on peer rivers, and illegally prioritizes unconfined recreation above preventing ORV degradation.*

The EA acknowledges that "External and internal scoping revealed that human waste in the wild and scenic river corridors is a concern" (pg. 21). The 2017-2022 Bob Marshall Wilderness Limits of Acceptable Change monitoring report, for example, specifically mentions significant increases in litter and human waste at campsites within the South Fork corridor. However, Montana state Best Management Practices alone will not be sufficient to mitigate water quality degradation if the quantity of human waste within any fork of the Flathead continues to increase. As written, the human waste regulation for the South Fork is inconsistent with the human waste regulation for the North and Middle Forks. The South Fork regulation is also unclearly phrased, a violation of the Plain Writing Act of 2010 which requires all federal agencies to write clear, concise, and well-organized government communications that use everyday words, active voice, and logical formatting.

Not only is the human waste regulation inconsistent across the Flathead River system, but it does not align with regulations on peer rivers. Across agencies, there are common elements included in human waste regulations that are applied to all users in a river corridor, regardless of a nexus with wilderness. Example regulations for peer rivers include:

- *Middle Fork Salmon (Wild and Scenic River in wilderness, mandatory/limited permit system):* Required equipment must be carried by boaters; a porta-potty, fire pan, fire blanket, ash container, strainer, shovel and bucket are requirements of the permit. Within the 1/4 mile wide river corridor, all waste (including human) and ashes must be packed out. Fires must be contained within a fire pan.²
- *Owyhee (Wild and Scenic River in wilderness, mandatory/unlimited permit system):* TOILETS—An adequate, approved portable toilet system must be carried and used. An approved portable toilet is any non-biodegradable, rigid, durable container designed to receive and hold human waste, in any container position, without leaking. It must be designed to be emptied in an approved manner at a standard recreational vehicle (RV) dump station and/or SCAT machine, in a sanitary manner without spill, seepage, or exposure to human wastes. Plastic bag liners are not acceptable with the exception of solid human waste pouches, such as WAG bags and RESTOP 2 bag systems that are approved by the Department of Environmental Quality. Portable RV toilets are not approved toilets. Toilets CANNOT be dumped in any BLM vault toilet.³
- *Upper Missouri (Wild and Scenic River not in wilderness):* Portable toilets are

² From <https://www.fs.usda.gov/r04/salmon-challis/recreation/middle-fork-salmon-river>

³ From https://www.blm.gov/sites/default/files/docs/2024-01/idaho_OwyheeWSRRiver_permit1.pdf

mandatory for overnight campers. The portable toilet must be either a washable, reusable toilet system that allows for the carry-out and disposal of solid human waste via an authorized sewer system or an approved degradable bag system specifically designed for human waste disposal.⁴

Lastly, when wilderness and Wild and Scenic Rivers overlap, the agency is required to adhere to whichever law provides the stricter provision. For example, while chainsaws are not prohibited within Wild and Scenic River corridors, they are prohibited within river corridors flowing through wilderness due to the Wilderness Act prohibition on motorized and mechanized equipment. In this example, the Wilderness Act provides the stricter legal provision, which thus influences how Wild and Scenic Rivers flowing through wilderness areas are managed.

Within the Wilderness that encompasses the South Fork corridor, the Wild and Scenic Rivers Act provides the stricter legal provision for certain ORVs. Since maintaining water quality, wildlife, and recreation ORVs are stricter provisions required under the Wild and Scenic Rivers Act, as directed by the Wild and Scenic Rivers Act Sec. 10(b), the agency must act to protect these values rather than refrain from regulation to instead promote unconfined recreation under the Wilderness Act.

Remedy: American Rivers' objection would be remedied by applying the following regulation consistently to all forks of the Flathead Wild and Scenic River: Solid human waste must be self-contained in a portable toilet system and packed out to an approved disposal site during day and overnight stays at locations without toilet facilities, including all dispersed camping sites. The portable toilet must be either an approved, washable and reusable toilet system that allows for the carry-out and disposal of solid human waste via an authorized sewer system or an approved degradable bag system specifically designed for human waste disposal.

C. *The list of proposed management actions lacks restrictions on visitor behavior necessary to protect ORVs from existing use impacts. The following should be added to the list of management actions:*

- ***A pack it in / pack it out trash requirement;***

The current Flathead River Management Plan from 1986 states that the Forest Service will enforce a pack it in, pack it out policy for all users (pg. 26). Consequently, the final CRMP should include a clear requirement that all river users pack out all trash. Litter and food waste degrade scenic quality, affect wildlife behavior, and diminish visitor experience.

Remedy: American Rivers' objection would be remedied by including a straightforward "pack it in, pack it out" requirement and includes guidance regarding the appropriate means of disposing of dish and handbasin wastewater.

- ***A corridor-wide bear-safe food storage requirement;***

These river corridors provide important habitat and connectivity for wildlife species, including grizzly and black bears. Ensuring that food and garbage are properly secured reduces wildlife conflicts, protects wildlife from food conditioning, and improves visitor safety.

Remedy: American Rivers' objection would be remedied by including a clear,

⁴ From <https://www.blm.gov/programs/national-conservation-lands/montana-dakotas/upper-missouri-river-breaks/plan>

corridor-wide, management action requiring appropriate bear-resistant food storage or portable electric bear fencing on all river segments.

- ***A requirement to use both fire pans and fire blankets wherever campfires are allowed;***

As with human waste, the requirement to use fire pans or fire blankets is inconsistent with regulations on other peer rivers and does not align with Leave No Trace best practices to mitigate campfire impacts. Fire pans and fire blankets serve different functions and are only truly effective when used together. Fire pans contain the fire itself, while fire blankets help protect the ground surface beneath and around the fire area from heat, ash, scarring, and possible ignition from sparks.

Remedy: American Rivers' objection would be remedied by adopting a uniform corridor-wide standard providing that, wherever campfires are allowed, users must carry and use both an appropriate fire pan and a fire blanket, except at developed sites with agency-provided fire structures, or when groups do not wish to have a campfire (ex. single person watercraft such as kayaks or packrafts).

- ***A clear regulation regarding firewood gathering.***

The regulation stating that "Firewood gathering is prohibited in the Wild and Scenic River Corridor" is not clear as to whether the intent of this regulation is to prohibit the cutting or gathering of live trees and vegetation, or whether it is intended to prohibit the collection of any wood material, including dead and down wood or driftwood along the river. Because many river users interpret "firewood gathering" as collecting already dead and down material (especially driftwood), the current wording could create confusion about what activities are actually prohibited.

Remedy: American Rivers' objection would be remedied by amending this regulation to read: The gathering of live wood for fires is prohibited in the Wild and Scenic River Corridor. Collecting already dead and down material (especially driftwood) for fires is allowed.

D. The EA contains unsupported speculation about beaver dams.

The EA includes unsupported statements suggesting that beaver dams may block bull trout migration and may contribute to bull trout decline (pg. 24, 35). Because beaver and bull trout have coexisted across this landscape for thousands of years, it is arbitrary to include unsupported speculation about migration barriers and species decline without providing scientific evidence.

Remedy: American Rivers' objection would be remedied by removing the following statements from the EA:

- More recently, field observations suggest that beaver dams may block bull trout migration in some areas. (pg. 24)
- Recent field observations suggest beaver dams may block bull trout migration in the tributaries of the South Fork. (pg. 24)
- Field observations in recent years indicate that beaver dams may be blocking bull trout migration, which may contribute to the decline as well. (pg. 35)

E. Encounter monitoring structure limits Forest Service management.

Recreation ORV triggers and thresholds for float user experiences frame exceedances as a percentage of days with the number of encounters (determined by monitoring) in

excess of the trigger or threshold. This means that the ability to determine on-water encounter exceedance is contingent upon staff capacity to monitor said encounters. If no monitoring occurs due to budget cuts, staff cuts, or other unforeseen circumstances, the exceedance of triggers and thresholds cannot be observed and the agency cannot comply with guidance from the Interagency Wild and Scenic Rivers Coordinating Council that requires monitoring to be effective in preventing degradation.¹ Coupled with the inflated user capacities and lack of adequate visitor behavior regulations outlined above in sections A-C, this limits the Forest Service's ability to know if triggers and thresholds are surpassed and thus when management actions are required.

Remedy: American Rivers' objection would be remedied by developing a proxy measurement for encounters (such as the number of users per day) in the event that the Forest Service lacks the staff capacity to conduct sufficient on-water monitoring and/or committing to a specific amount of on-water monitoring annually.

F. Fisheries monitoring lacks a commitment to cross-jurisdictional regulation to maintain a healthy fishery and high-quality angler experiences.

Fishery health and abundance is strongly correlated with the quality of the angling experience in the river corridors. American Rivers is concerned that the proposed monitoring strategy will not sufficiently maintain or enhance the fisheries ORV and thus does not support the requirements of the Endangered Species Act listing for bull trout.

The CRMP states that, "Since designation of the WSR system, bull trout populations have declined dramatically." It also predicts that, "Further declines in bull trout populations in all three forks are expected due [in part] to angling pressure." According to the EA, "Between 1998 and 2023, angling pressure increased by 300% in Middle Fork, 370% in the North Fork, and 13% in the South Fork." In the face of increased user capacities, and the corresponding increase in angling pressure, the "monitoring" strategy will simply document the continued decline of both the fishery and associated visitor experiences.

Remedy: American Rivers' objection would be remedied and would remain consistent with the Wild and Scenic Rivers Act Sec. 13(a) by revising the potential management actions for the fisheries ORV for westslope cutthroat and bull trout abundance and length distribution and angler experience in the CRMP table 12 to: Conduct further/more in-depth study of trend decline. Conduct creel surveys and/or other data collection methods such as catch cards, interviews, and camera data. Develop new or revised fishing regulations, institute seasonal restrictions and/or closures, education and outreach. Institute day users group size, establish mandatory limited permit system. Alter outfitters user days and/or operations.

G. The CRMP lacks estimates of necessary staffing to enforce regulations and maintain an adequate ranger presence.

The EA appropriately recognizes that recreation use can affect multiple ORVs within the corridor in the form of social trails, campsite impacts, improper waste disposal, and encounter rates. Regulations and management actions within the CRMP are intended to provide behavioral constraints for users that stave off impacts to ORVs from recreation use. Monitoring is intended to verify that impacts to ORVs are not happening, and if they are, to implement swift course corrections.

As a result, adaptive management strategies described in the CRMP will only be effective if the agencies have sufficient field presence to monitor conditions and address problems when they arise. While the CRMP goes to great lengths to articulate authorities and engagement from the State of Montana, Flathead County, Tribal Nations, and partner groups, the plan is silent in regard to adequate federal agency staffing levels.

Remedy: American Rivers' objection would be remedied by adding a new subsection under Agency Responsibilities, Authorities and Partnerships in the CRMP that describes the river ranger and/or field staffing levels required to support monitoring, visitor education, and compliance.

4. Statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection

On September 13, 2019, American Rivers submitted comments to the Flathead National Forest on the CRMP proposed action. These comments outlined concerns regarding user capacity, fisheries, water quality/quantity, and the recreation/boater-centric nature of the CRMP. They also pointed out flaws in management actions and associated triggers and thresholds and concerns with human waste, campfires, and food storage. On February 7, 2025, American Rivers submitted comments to the Flathead National Forest on the CRMP proposed action, second release. These comments reiterate and expand upon concerns from 2019 regarding user capacity, management actions, and monitoring and request additional regulation of human waste, campfires, and food storage. On March 13, 2026, American Rivers submitted comments to the Flathead National Forest on the draft EA and CRMP. These comments echo issues raised in 2025 by again outlining concerns regarding user capacity, management actions, fisheries health, and monitoring and request additional regulation of human waste, campfires, food storage/trash, and firewood gathering.

As described above, during the draft EA, American Rivers and other organizations submitted comments regarding human waste, food storage/trash, firewood gathering, and beaver dams. We received confirmation that our comments were received by the online portal, yet none of these comments are addressed in Appendix E. As such, we question the thoroughness with which the Forest Service has reviewed comments from the public, including from our organization, and we request that the agency conduct an audit of public comments to verify which comments were addressed and which have been missed before proceeding further with finalizing the CRMP process.

We look forward to working with the reviewing officer on remedies to these important issues.

Warm regards,



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