

March 13, 2026

Comments on Flathead National Forest's Comprehensive River Management Plan (herein referred to as the plan) for the Three Forks of the Flathead River From Scott Snelson, Rexford, Montana.

Given the previous Forest Supervisor's assertions that he could interpret the The Wild and Scenic Rivers Act and associated Outstanding Remarkable Values (ORVs) by personal fiat, the plan needs to include **a declarative statement outlining the Forest's recognition that the goal of the plan is to enhance or protect all ORVs measured against their condition at the time of establishment of the River as part of the Wild and Scenic River system.** Without such a statement included, capacities derived will have no stated reference point, will not inform the public as to the impacts of the plan and therefore will be arbitrary. This is particularly important given the recent record of the Flathead National Forest and the Regional Office leadership attempting to set capacities, triggers and thresholds higher than those which would require the USFS to do anything meaningful as far as managing the river, its use, and its permitted outfitters for ORV protection and enhancement.

It is disappointing that Forest Supervisor Botello has essentially carried through, in whole, the previous Forest Supervisor's plan without meaningful changes, virtually ignoring over 1100 public comments in the rescoping of the plan.

As evidenced by the Forest's information released during this proposed action segment of the public input process below, the Forest is ignoring the plan's impact and potential impact on the fishery ORV and in particular the Forest's obligation under the Endangered Species Act to protect bull trout, as well as the WSRA's mandate to protect and enhance all ORV's. Not a single segment of the Forks has been listed to have its limiting attribute as Fisheries.

Section	Limiting Attributes	Proposed User Capacity (persons/day)
North Fork Scenic - MU1	Recreation	180 people
North Fork Scenic - MU2	Recreation	450 people
North Fork Recreation	Recreation	330 people
Middle Fork Wild (headwaters to Bear Creek)	Recreation	170 people
Middle Fork Recreation- MU1	Wildlife	100 people
Middle Fork Recreation - MU2	Recreation	1,100 people
Middle Fork Recreation - MU3	Recreation	1,280 people
South Fork Wild – MU1	Recreation	90 people
South Fork Wild MU2	Recreation	30 people
South Fork Recreation	Recreation	70 people

The Fishery ORV has dual components— fish populations, and the ability to enjoy quality fishing. Both attributes are required to not be diminished from a level experienced at the time of establishment.

With measured declines in bull trout redd (spawning “nest”) counts over recent years across their range and across the Flathead watersheds, Montana Fish Wildlife and Parks expressed concerns over changes in bull trout and westslope cutthroat fisheries across the Forks. To not list fisheries as a limiting attribute over any reaches indicates that the Forest is ignoring the connection between float related fishing/recreating and the effects of these activities on fish mortality, distribution and catchability.

It was stated at the Jan. 22, 2025 public meeting that the limiting attributes analysis was conducted by an interdisciplinary team. Did this interdisciplinary team include a fisheries biologist familiar with bull trout and westslope cutthroat ecology in the Flathead system? It will not be true for the Forest to claim that these issues regarding bull trout and limiting attributes have not been raised as part of the internal discussions regarding the plan. Impacts to bull trout are acknowledged in the EA for this project but no attempt is made to provide a connection with inevitable increased angling pressure from increased river use.

The plan’s enabling legislation and subsequent court determinations (in the Idaho District Court) require the Forest Service to do better than a “trust us” level of disclosure and standards for the determination of capacity levels. Unlike the minimum viable standard of resource protection afforded species under the Endangered Species Act, WSRA requires the Forest Service and other agencies with jurisdiction to protect and enhance ORV’s at levels enjoyed at establishment. Maintaining minimum viability is an insufficient standard for waters under this designation.

It has become the habit of the USFS to claim that because states have primary jurisdiction over fish population regulation, the USFS has little or no responsibility for the same. While a convenient rhetorical dodge for obscuring the USFS role and responsibility for providing for species abundance and viability, the separation has no ecological or regulatory basis for a bright line separation between agency responsibilities. The USFS’s responsibility for species protection under both ESA and WSRA does not end at providing habitat alone and needs to include the USFS responsibilities in regulating use levels that affect species populations and the quality of fishing.

If the “trust us” level of disclosure and analysis for fisheries is to be exceeded as required by law, regulation and court determination, the USFS will need to provide explicit rationale for how it intends to maintain the fishery both from a fish population basis and a fishing quality basis.

Language should be added to the fishery desired condition to include **maintenance of population levels and provision for a fishing experience (catch rate) similar to that enjoyed on the river at designation**. The USFS needs to provide the public an explanation of how and at what level it will provide for maintenance of this ORV. I suggest here that catch

rates might be the parameter cited for the latter. If an historic catch rate has not been measured by designated reach, a current catch rate can be determined and combined with historic population data to describe the status quo and project conditions back to establishment as a rational surrogate. My intent here is not to be prescriptive as to the method but instead direct attention to the need to get beyond an arbitrary determination of this fishery ORV's quality attainment.

Climate and fish population estimate challenges

Internal Flathead NF documentation indicates that the effects of climate change are already detectable in changes in precipitation type, flow volume and timing, and stream temperature. The Flathead NF will need to take this into consideration in its obligations to provide for levels of use of the river, its experiential quality and its associated effects on fish populations and fishing quality. It is established science that bull trout are more vulnerable to hooking mortality as stream temperature rises.

It is incumbent on the Forest to do some kind of science-based projection of how climate is likely to continue to change in the coming decades and how that will affect thresholds and triggers in this plan. At a minimum, status quo use capacities should be the default unless the USFS can rationally describe how use levels are protecting all ORV's by reach. This should include a moratorium on issuing any additional special use permits for river use until the agency provides the public with a sound rationale for how ORV attainment will be assured by reach and ORV for any additional permitted use of the river or for any renewals of current permits that may not have had an analysis of ORV impacts.

The fishery ORV and in particular the fish population portion of this parameter will likely be the most problematic for managers, in that population estimates have statistical variation inherent in the methodologies currently used. This variation can limit managers' ability to detect population declines until they are well established. This will be challenging for the USFS to manage around as it is for Montana Fish, Wildlife and Parks, particularly as it relates to bull trout protection. And a meaningful attempt must be made and disclosed to the public.

Uniquely there is a relatively robust and defensible argument to be made (combined data from bull trout redd counts and population estimates) that at status quo use levels, there has not been a detectable decline in fish populations in the South Fork reaches of the river. A review of 2024 bull trout redd counts, which were abnormally low, should be considered as a check on this assertion. The effects of climate change are upon us. The USFS should disclose how this factor is considered in setting thresholds and triggers for the fishery ORV.

Thresholds and triggers set above the status quo level of use will necessarily be arbitrary for this fishery ORV unless more precise population estimates are developed or multi-vector data collection is invested in (ie, a combination of creel surveys, current population estimates,

mandatory trip logs for floaters, redd counts). If higher than status quo use levels are chosen to bracket triggers and thresholds, USFS must disclose its rationale to the public and provide a clear nexus between each ORV and corresponding proposed use levels.

Consultation with the US Fish and Wildlife Service (USFWS)

With the decline in bull trout redd counts in recent years, it is more necessary than ever that risk to bull trout populations be systematically considered and disclosed with some vigor and by stream reach in setting thresholds and triggers. It is necessary that the USFWS be consulted on this plan.

General notes

Additional special use permits for river use in the plan area continue to be issued without analysis or disclosure of impacts to the fishery ORV. District Ranger Davies has increased user day by 60% since 2018, without any environmental analysis. A moratorium on issuing additional use on the river should be put in place until this plan is complete and signed.

A statement was made at the January 22 public meeting by District Ranger Davies, to the effect that no changes would be made to river use management until after the new monitoring data prescribed in the plan was collected and analyzed. Davies indicated that it will be years from now before any changes will be made. As a party to internal deliberations on the river use and development of this plan several years ago, I know some segments of the river were experiencing use levels at or above those prescribed in the 1980 plan. It is not regulatorily necessary nor prudent to delay consideration of additional management actions for those segments until this next round of monitoring is complete and analyzed. This document must disclose those segments that are at/exceed or are near the target levels of use described in the 1980 plan, and agencies must begin to take appropriate management actions to address this without delay.

The plan fails to explicitly analyze the nexus between capacities, triggers, and thresholds, and fails to plan to maintain all ORV's benchmarked against conditions at designation.

Montana Fish, Wildlife and Parks believes that with enhanced monitoring of the fisheries, funded by the regulating agencies, declines in fish populations can be detected and use patterns adjusted to sufficiently protect the fisheries. Existing monitoring efforts are completely insufficient to detect changes on two of the three forks (North and Middle Forks). Without more robust use monitoring (i.e. long term camera stations) on the South Fork, there will be insufficient data available to measure river use in relation to fish population estimates.

There should be no reasonable expectation, from decades of experience, that the USFS will consistently allocate sufficient resources to this minimum necessary monitoring, even if it is committed to in this plan. Monitoring needs to be explicit in this plan to be minimally sufficient to

protect this ORV. The agency knows it and the public should be aware that if budget constraints are in place (most likely outcome) that the monitoring necessary and sufficient to detect changes in the fishery will not be prioritized and the monitoring will not occur. The court has been clear that a “trust us” strategy is insufficient.

Again, anything less than a status quo base for setting capacity, triggers and thresholds must be taken to conservatively manage for protection of the ORV’s, most particularly the fisheries ORV.

It is a shame that the USFS, and explicitly the leadership of the Flathead National Forest, has chosen to produce this shoddy attempt at a management plan for one of the most important economic and cultural resources in Montana and the west. Carrying through with a virtually unchanged plan from scoping to draft in the face of 1100 public comments and the hundreds of hours of investment that the public made in sincere collaboration with the agencies to tackle this complex challenge, diminishes the reputation of the USFS and the Flathead National Forest..

Not providing reading room access to documents prepared by fellow citizens for this effort is indicative of an agency dodging transparency and accountability. Whatever the motivation, be it yielding to monied interests and political pressure, career protection and enhancement, lack of resources and competencies, desiring to forestall meaningful investments in managing the river, or failure to recognize the importance of the river to the economic, ecologic, spiritual, and cultural fabric of Montana and the American people, this plan fails to meet the agency's obligation to the law. We need the Forest Service to do better.

Summary of Suggested Actions

- 1) I suggest major changes to the capacities, triggers, and thresholds to a conservative status quo use basis (instead of arbitrarily setting levels multiples above current use), acknowledging the paucity of the data available and absent a meaningful nexus by ORV from which these decisions were arrived at. Put in place sufficient monitoring to provide a non-arbitrary rationale for use levels **and** place a moratorium on additional use days allocations until this can be completed or:
- 2) Do not sign the plan until the above paragraph can be accomplished, place a moratorium on additional allocation of use days until such time as a rational, data driven basis for additional use can be justified to the owners of this outstandingly remarkable resource.

Plea and Conclusion

I ask that the Forest Service not take the politically easy way out. The draft document released shows dereliction of the duty to produce a plan to provide for protecting the ORV’s of the river under the WSRA. The effort puts the burden of adequately managing the river on the public and the court to force the agency to do what the law requires.

I am empathetic to the very real trial it is to balance all the agency's demands in the face of the accelerating hollowing out of the agency in the last months. While the recent hollowing out has magnified the difficulty, I was in the room when Forest Supervisor Steele ran the original collaborative effort into the ditch by abandoning the appropriate conservative approach to capacities, thresholds and triggers that was commensurate with the agency's lack of investment in monitoring. Conservative use levels were developed by staff for the plan rewrite with significant support in our collaborative community appropriate to the vast gaps in data and information. The Flathead National Forest sadly has, in whole, maintained the ecologically reckless and arbitrary capacities, thresholds, and triggers inflicted on the process by Steele, with the acquiescence of District Ranger Davies against the professional advice of staff.

Creative solutions to better provide a wider variety of experiences, and enhance the protection of ORV's, have been forwarded by the public in the latest round of scoping. I can find no evidence that any of these quality suggestions have been meaningfully included in this draft document. I suggest consideration of a wider band of these public suggestions because the current effort fails to meet the requirements of the law.

I am happy to visit with the Forest Supervisor and/or staff on these issues. I can be contacted at 406-660-7034, email: sisnelson@gmail.com.

I appreciate your consideration.

Sincerely,

Scott Snelson
PO Box 1391
Eureka, MT 59917

Credentials:

Master Of Science, Biological Science, Fish and Wildlife Management, Montana State University
USFS District Ranger, Spotted Bear RD, Flathead NF
USFS Forest Supervisor, Beaverhead-Deerlodge NF (acting)
USFS Deputy Forest Supervisor, Beaverhead-Deerlodge NF
USFS District Ranger, Laurentian RD, Superior NF
USFS District Ranger, Aspen-Sopris RD, White River NF
USFS District Ranger, Ketchikan-Misty Fjords, Tongass NF (acting)
USFS Forest Staff Officer for Fish, Wildlife, Watershed, Soils, and Subsistence, Tongass NF
Forest Aquatic Ecologist, Superior NF
Fisheries Biologist/Kootenai Watershed Coordination Biologist, Montana Fish, Wildlife and Parks