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Objection submitted via <https://cara.fs2c.usda.gov/Public/CommentInput?project=292351>

RE: Objection to the Decision Notice and Finding of No Significant Impact for the Wild and Scenic River Comprehensive River Management Plan for the Flathead Wild and Scenic River
Pursuant to 36 CFR Part 218 and 218.9, Wilderness Watch hereby formally objects to the Draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Wild and Scenic River Comprehensive River Management Plan for the Flathead Wild and Scenic River. Wilderness Watch submitted timely comments during the public comment period, and incorporates those comments into this objection.

For the reasons included in our initial comments and this objection, the management plan, as it is currently proposed, violates the 1964 Wilderness Act, fails to maintain the standard set in the wilderness management plan, fails to adequately protect threatened bull trout, and leaves out significant information on how the agency will manage the wild portions of the Flathead River. Wilderness Watch requests that the Forest Service withdraw the DN and FONSI..

Sincerely,

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Introduction

Our comments on the EA noted:

The EA does not have a section on Wilderness. This is a problem because the more restrictive of the two Acts, the Wild and Scenic Rivers Act or the Wilderness Act, applies to the sections in the Bob Marshall and Great Bear Wildernesses (CRMP page 36). In most instances, the more restrictive is the Wilderness Act. Wilderness seems to be an afterthought. Indeed, there is no mention or reference to the extant 1987 wilderness management plan (with updates) that used the LAC process. The LAC plan included extensive public involvement and buy-in, it developed indicators and standards for impacts along the rivers and management actions to address situations where the standards were exceeded or about to be exceeded. Yet it doesn't appear that the existing wilderness plan was consulted at all when developing the river plan.

This wilderness management plan set limits which have not been followed in the Wilderness, as tacitly admitted in the EA (page 31) and CRMP (pages 37 and 54). More specifically the growth in pack raft use on the South Fork seems to have increased angling pressure on bull trout in the area and high levels of use on the Middle Fork (150 people at one time floating, see also CRMP at 114 for daily encounters) are having an impact on the Wilderness, which includes several landings a day at Schafer. The CRMP anticipates improving facilities at Schafer (page 105) and placing a sign on the South Fork (page 100), ostensibly for user safety, which is indicative of the increase in use on the South Fork.

Further, the EA and Plan admit there is not a lot of information about Wilderness. It would appear that required monitoring in the wilderness management plan has not been taking place in recent years. There is no question

use has greatly increased on both the Middle Fork and the South Fork, in part due to technologies that permit ultralight packable rafts and in part due to increases in use on the Wild section of the Middle Fork by both outfitted and non-outfitted users since designation as WSR in 1968 and Wilderness in 1978.

As our past scoping and EA comments pointed out, and the Forest Service admits, the EA and Comprehensive River Management Plan (CRMP) fail to preserve the Wilderness and wilderness character of the Bob Marshall and Great Bear Wildernesses. Further, the Limits of Acceptable Change (LAC) plan for the Bob Marshall Wilderness Complex has been largely ignored, especially the standards set in that plan for standards that will lead to even more degradation.

This is unfortunate. The Forest Service has had plans in place for decades regarding the Wilderness and the Wild River segments within Wilderness. Rather than use the wealth of monitoring information gathered over the years, including information summarized in the 2022 Wilderness Character Baseline Assessment Report for the Bob Marshall Wilderness Complex, and information and policies in the extant plans, the agency is actually stepping backward in its duty to preserve Wilderness and acts as if no information or policy decisions had been made prior to this CRMP. As our EA comments noted, "Kicking the can down the road as is proposed on page 11 of the EA with unlimited permits is not management. Rather, it is abdication in a finite world."

We offer specific remedies in the sections below. Aside from withdrawing the CRMP and doing a new draft for public comment- necessary given its NEPA and other deficiencies - there are two other potential overall remedies. The first is to keep the extant policies in place that would be weakened by this CRMP. However, like withdrawing the CRMP and reinitiating public comment, this approach would leave unresolved some issues the current plans and policies do not address. A second option would be a combination actually implementing extant policies and standards while strengthening those that need it and adding policies and standards where needed. We address all of these in the paragraphs below.

A- The EA and CRMP Violate the Wilderness Act and Agency Policy

The EA and CRMP apparently would exceed the limits in the Wilderness plan for specific areas and/or exceed current uses. This is true even where important wilderness attributes and therefore the Wilderness itself, like fish and wildlife, are being harmed by increased use. Agency policy directs (FSM 2320.6m including exhibit 01) and the Wilderness Act requires preservation of wilderness character, which the agency's own documents indicate is deteriorating.

1- Both our Scoping and EA comments pointed out, using agency data in the EA, CRMP, and supporting documents, that degradation in terms of greatly increased angling use affects bull trout populations in the South Fork (and Middle fork) in the Bob Marshall Wilderness Complex. That same increase in use is exceeding recreation-based thresholds established in the Wilderness plan. This negatively affects the Wilderness and in the former case, also a violation of the ESA. Even the CRMP (EA Appendix A at 52) recognizes:

The South Fork contains one metapopulation that is comprised of 10 local populations that migrate from Hungry Horse Reservoir to the tributaries, many of which are in the Bob Marshall Wilderness. These populations have been in steep decline during the past ten years. The South Fork was once considered a bull trout stronghold of State and regional significance. However, this is no longer the case given recent population decline. Further declines in bull trout populations in all three forks are expected due to angling pressure, climate change, and non- native species. Since designation of the WSR system, bull trout populations have declined dramatically. Emphasis added. Further, the CRMP (Id., page 53) recognizes that for the South Fork bull and Westslope cutthroat trout are "unique ... [and] exist without the presence of any non-native species." So, for the South Fork at least, non-native species are not an issue. It would also appear the increase in angling pressure would mainly be a function of technological changes, specifically the increase in lightweight floating devices, as the decline in wild salmonid populations are correlated with the increase of use on the South Fork (and perhaps the Middle Fork too):

It is thought that with changing use patterns, solitude may be more easily found in the high country than in river corridors. Currently, the use of the river system is spiking as floating has increased significantly over the past 15 years. There are kayakers, lightweight rafters, and pack rafters. Technological advances enable pack raft users access into areas that rafters were never able to get to before. With this, technology has also enabled rafters to no longer require an outfitter or guide to raft. Overall, floating solitude has diminished. In particular, guided groups and river parties lessen opportunities for solitude along the river corridor.

Bob Marshall Wilderness Complex: Great Bear Wilderness, Bob Marshall Wilderness, Scapegoat Wilderness: Wilderness Character Baseline Assessment Report at page 125. See also *Id.* at 65 for a specific discussion of the South Fork

So what is the monitoring response of the plan? The CRMP (EA Appendix A page 102) indicates, after five years of documented decline in bull trout populations it proposes, "more in-depth study" and "education and outreach." Immediate action is needed and existing plans need to be followed, not more study. This is managed extinction.

For example, our scoping comments raised the concern over increasing use thresholds on the South Fork and Middle Fork sections in Wilderness. The Wilderness Plan (Bob Marshall, Great bear, Scapegoat Wildernesses Recreation Management Direction) on page 56, Indicators and Standards, is 2 boats (or parties) per day. The CRMP increases that to 10 watercraft on the South Fork (EA Appendix A page 109). See also EA Appendix B page xvii. The CRMP for the Middle Fork increases the threshold from 2 parties or boats per day to 3 parties, regardless of the number of boats (EA Appendix A page 106). This is too high and should be kept at 2 as well. The party size threshold is also very high (*Ibid.*).

Similarly, the CRMP proposes an encounter threshold four to eight times over current use on what the agency wants to "attempt to keep the most wild and pristine section of the entire Flathead system wild and pristine." See EA Appendix E page viii. Rather, the agency should cap use at 1 or 2 parties a season if it wants to keep that section in the condition it claims it is in.

Provide maximum isolation between float parties and at least a moderate level of isolation between float parties and shore parties on the South Fork corridor.

The CRMP is not clear on how encounters between float parties and shore parties will be dealt with. These exist in the Wilderness plan on page 56 and should be retained and implemented. Further, the Wilderness Plan has this goal:

Provide maximum isolation from the sites and sounds of other users in the Middle Fork corridor (except at Schafer Meadows). Congestion will be minimized at Schafer Meadows. Provide maximum isolation between float parties and at least a moderate level of isolation between float parties and shore parties on the South Fork corridor.

Id. at 55. The CRMP makes no progress on this plan from 1987. By now, the agency should have already implemented additional concrete standards to meet this goal.

In sum, what the plan proposes, assuming monitoring actually takes place, is a closely observed managed extirpation of bull trout and continued decline of Westslope cutthroat trout. Monitoring data are readily available for the Forest Service to take management action. Further, the proposed CRMP, probably by accident, would put it in conflict with the 1987 LAC standards on number of encounters on the South and Middle Forks. Since the more restrictive of the Wilderness Act or the Wild and Scenic Rivers Act for the rivers segments in Wilderness applies, the CRMP cannot be in conflict with the Wilderness plan.

Remedies:

The current standard in the Wilderness plan of two boats (or parties) encountered per day should be adopted in the CRMP. Further, the CRMP should clarify that it is a reference to watercraft (boats).

To implement this, a permit system at no more than 2 launches per day with a limit of two watercraft (boats) for each permit should be implemented for the South Fork and the Middle Fork.

For the Middle Fork above Schafer, the limit should be 1 or 2 launches per season.

Regarding shore encounters, written commitments that the threshold standards on page 56 of the Wilderness plan will remain in place.

2 - Our EA comments pointed out a concern over new or expanded structures in Wilderness. We noted the possibility "of facilities at Schafer (page 105) and placing a sign on the South Fork (page 100), ostensibly for user safety, which is indicative of the increase in use on the South Fork." Both would degrade the Wilderness and wilderness character. How is the expansion of uses prohibited under Section 4(c) of the Wilderness Act (structures, presumably) at Schafer the minimum for protecting the Wilderness (EA Appendix A page 99)? The CRMP does not assess this at all.

The same question needs to be asked for the sign on the South Fork. Is it really the minimum necessary (Id. Pages 75 and 94)? The Forest Service doesn't place a sign for every possible hazard in Wilderness. The Forest Service Manual (2320.2 item 4) notes wilderness provides "physical and mental challenge and stimulation" in a natural environment, by intent (see also FSM 2320.6).

Remedies:

Don't "improve" Schafer facilities.

Don't place a sign on the South Fork rather inform those with permits about the hazards when they obtain the permit.

3 - Similar to the above point, our scoping comments raised the concern over the number of landings at Schafer. After nearly 40 years, the Forest Service apparently hasn't kept records for the Middle Fork, presumably including landings at Schafer (EA Appendix B page xii). As our comments noted, there are standards for landings at Schafer, for both daily and yearly use (5 and 550 respectively).

However, increased or existing use is affecting the Wilderness.

Remedy:

Decrease the use to 2 landings a day and 154 annually.

4 - As stated in our comments previously, the wilderness management plan states plainly that outfitter numbers in the Bob Marshall should not exceed numbers authorized under the 1978-1980 special use permits, though the CRMP would increase use numbers for outfitters throughout the Flathead River corridor. This would violate the directives outlined in the Wilderness management plan.

Remedy:

The agency should state plainly in the final management that they will not issue outfitter use permits in excess of the 1978-1980 numbers along the Flathead River corridor throughout the Bob Marshall wilderness complex.

A- The EA and CRMP Violate NEPA

Our comments noted, "A major failing of the EA and CRMP is the lack of any alternatives." Alternatives are a basic requirement of NEPA.

Remedy

Withdraw the CRMP and draft decision and go back for more analysis.

Please keep Wilderness Watch updated on this plan.