Mr. Chip Weber, Supervisor
Mr. Chris Prew, Project Leader
Flathead National Forest
650 Wolfpack Way
Kalispell, MT 59901

September 11, 2019

Re: **Flathead Wild and Scenic River**
Proposed Action for the Comprehensive River Management Plan

Dear Chip and Chris:

We have read the Proposed Action for the Flathead Wild and Scenic River CRMP. Thank you for your efforts to bring the Flathead CRMP up to date. The scoping document states, *"At this time, the agencies are conducting scoping and requesting input on the proposed action including issues, and desired river conditions, thresholds, indicator and management actions being considered for the management of the three forks of the Flathead River and WSR corridor."* (*Emphasis added.)* While much of the scoping document is sufficient we think the document concentrates on desired conditions and omits important and required issues and management actions raised by the public in the several pre-scoping sessions.

Issues
Based on our reading, significant "issues" identified in the public pre-scoping sessions were not included or thoroughly revealed in this scoping document.

Oil Trains: Under "water quality and quantity", the Proposed Action does not mention the publics' growing concern regarding the rail transport of hazardous substances along the Middle Fork Flathead corridor. Water quality should be the highest ranked ORV, and potential threats to water quality should be identified. While rail transport of materials is subject to additional federal laws and regulations, including interstate commerce provisions, the potential adverse impact to the Middle Fork WSR from a derailment and release is very real and everyday, and an accidental release of hazardous and toxic substances into the Middle Fork Flathead under current operating conditions may be an inevitability. The CRMP needs to address this issue in a meaningful way.

The USFS and NPS are mandated to protect the ORVs of the Flathead wild, scenic and recreational river segments. It would seem appropriate for these federal agencies to bring together other relevant federal agencies to coordinate the development of a federal rail safety and derailment prevention plan that provides clear standards, guidelines and

mandatory practices that would provide greater assurance of rail safety operation over current practices.

With respect to how this could be addressed in the EA, we would suggest under Desired Future Conditions for Middle Fork Management Units 1 and 2 that additional separate sections be added titled, "Rail Corridor". A statement like the following could be included under these sections: "The Flathead Forest, Glacier National Park, and Federal Railroad Administration will cooperate in developing a federal rail safety and derailment prevention plan that addresses the significant risk of an accidental release of hazardous or toxic materials into the Middle Fork Flathead River that the public has identified as a major concern."

Under "Indicators, Triggers and Thresholds" for both MU1 and MU2, add a water quality section. In tables 16 and 18 inform the public under "Indicator" that "a public rail safety prevention plan does not currently exist." Leave the "Trigger" and "Threshold" sections blank. Under "Management Actions" state, "The FNF, GNP, and FRA will work cooperatively to develop a public process to help limit the risk of an accidental derailment and release of hazardous materials." Under "Rationale" state, "A single derailment and release of hazardous or toxic materials could have severe and long-lasting consequences for all ORVs associated with the Middle Fork Flathead River."

Quite frankly, we thing the FNF and GNP may choose to continue to ignore or not address this concern in the EA. For this reason, if the FNF and GNP will not include the hazardous material issue in the above format for evaluation in the EA, then we request that the EA contain a statement about hazardous material rail shipments through the Middle Fork WSR corridors (MU1 and 2) that explains the legal rationale and includes legal citations for the authority to exclude further consideration of the issue.

Permits: While permits are mentioned in the scoping document, they are treated as an existing tool used by Glacier National Park and, on FNF land, as a possible remedy to overuse that triggers a management response. There appears to be a conflict between USFS and GNP approaches to protecting visitor experiences. This should be addressed in the EA and the approach to river use 'harmonized.'

Many long-time river users and residents of the North Fork Valley variously think river use has exceeded their personal 'trigger' and that a permit system should be considered now, within the CRMP EA. A permit system should allow equal and fair access to the river whether one is a resident or visitor to the area. Alternately, the EA could implement a "free" permit system that requires all users to have a permit. This would provide the agencies with consistent and uniform data on use numbers, as well as provide an opportunity to provide the public with valuable use and etiquette information. Also, the issue of party size and, particularly, party size of overnight groups, needs to be assessed and limits applied in this EA. Other federally managed rivers and waterways regulate numbers (e.g. Salmon, Selway, Boundary Waters, and the process for determining these limits has an extensive record). Party size should of course be appropriate to maintain ORVs for the particular segment of the Flathead W&S system. The EA could also

prescribe packaging requirements, prohibiting glass and cans on the river corridor. This would do much to reduce the occurrence of trash. In other respects, without historic baseline public use data (see comment below, next section) to compare current use, the agencies cannot present a reasonable case that current use is or is not excessive on any particular part of the Three Forks of the system, particularly at peak season, or that a permit system should not be implemented with the conclusion of the EA.

Headwaters Montana has begun conversations about pulling together a local stakeholder process on the model of the Whitefish Range Partnership to explore common values related to the North Fork (only). If initial conversations prove successful we will consider continuing the dialogue to explore whether current use is degrading ORVs, and then move to a discussion of solutions.

Absence of Baseline Data/Conditions

The scoping document provides considerable information on proposed indicators, triggers and thresholds but little or no information on current conditions that would provide the public with a meaningful baseline to assess the adequacy of *proposed* trigger, thresholds and actions. Many long-time users of the three river corridors think that use thresholds have already exceeded acceptable levels. The proposed indicators, triggers and thresholds are not compared to historic data or trends. None of the tables provide historic data or trend information. In Table 10, for example, the first row for "Recreation" Table 10 proposes the Trigger of "Encounters with no more than 3 parties per day during 60% of the peak use season."

Compared to what condition today or historically? Is use already at the Trigger level? Is use well below the proposed Trigger? If I am concerned that a current use or conditions already significantly degrades an ORV, the scoping document provides me with no information about that current condition. This renders the proposed Trigger almost meaningless to the public. A metric like "60%" has no intuitive meaning to the public, or even a readily sampled measurement that managers can reliably interpret.

We request that tables describing the proposed Indicators, Triggers and Thresholds add a third column titled, "Current Condition" or possibly "Historic Conditions." If the metric for the current condition is known, provide that number. If it is not know, provide that acknowledgement. The scoping document cites historic and ongoing studies but provides no interpretation of those studies with respect to establishing a basis for possible future "management action."

New Science on River Ecology

We ask that the CRMP team look at the new scientific understanding of river ecology, much of which was discovered in research conducted on the Middle Fork Flathead River in the Nyack Flats area as well as North Fork Flathead River.[12]

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[1] F. R. Hauer, H. Locke, V. J. Dreitz, M. Hebblewhite, W. H. Lowe, C. C. Muhlfeld, C. R. Nelson, M.

In particular, all three forks of the Flathead are "gravel bed river systems." These types of rivers are not solely defined by their actual (and moving/migrating) river channels, but also by the adjacent and peripheral gravel beds through which much of the water of the visible "river" enters, flows through, and exits. Thus these rivers are defined not by their channels but by the gravel beds through which they flow. In this respect, the legal WSR corridor inclusion of up to 320 acres per mile of adjacent "river corridor" out to an average of ¼ mile from the banks may not actually encompass the flowing component of the WSR. Some 700 private parcels, their development potential, and their potential for acquisition were identified in the original river plan. We think the issue of the rivers' actually gravel bed extent is comparable in importance to the private property issue that could adversely effect visitor ORV or river health.

We ask that the FNF assess the official WSR corridors to identify important additional components of the actual gravel bed river segments not included within the existing legal corridor. Identifying these significant river components can help the public and managing agencies understand potentially vulnerable areas that are important if not vital for or related to fish reproduction, river aquatic productivity, or other ecological services that form the very basis of water quality, fisheries, wildlife, botany, and recreational OHVs of the Flathead WSR.

The following image illustrates (in simple terms) how gravel bed rivers actually function. We think the CRMP should include the most current science and understanding of river ecology.

Thank you for the opportunity to comment.

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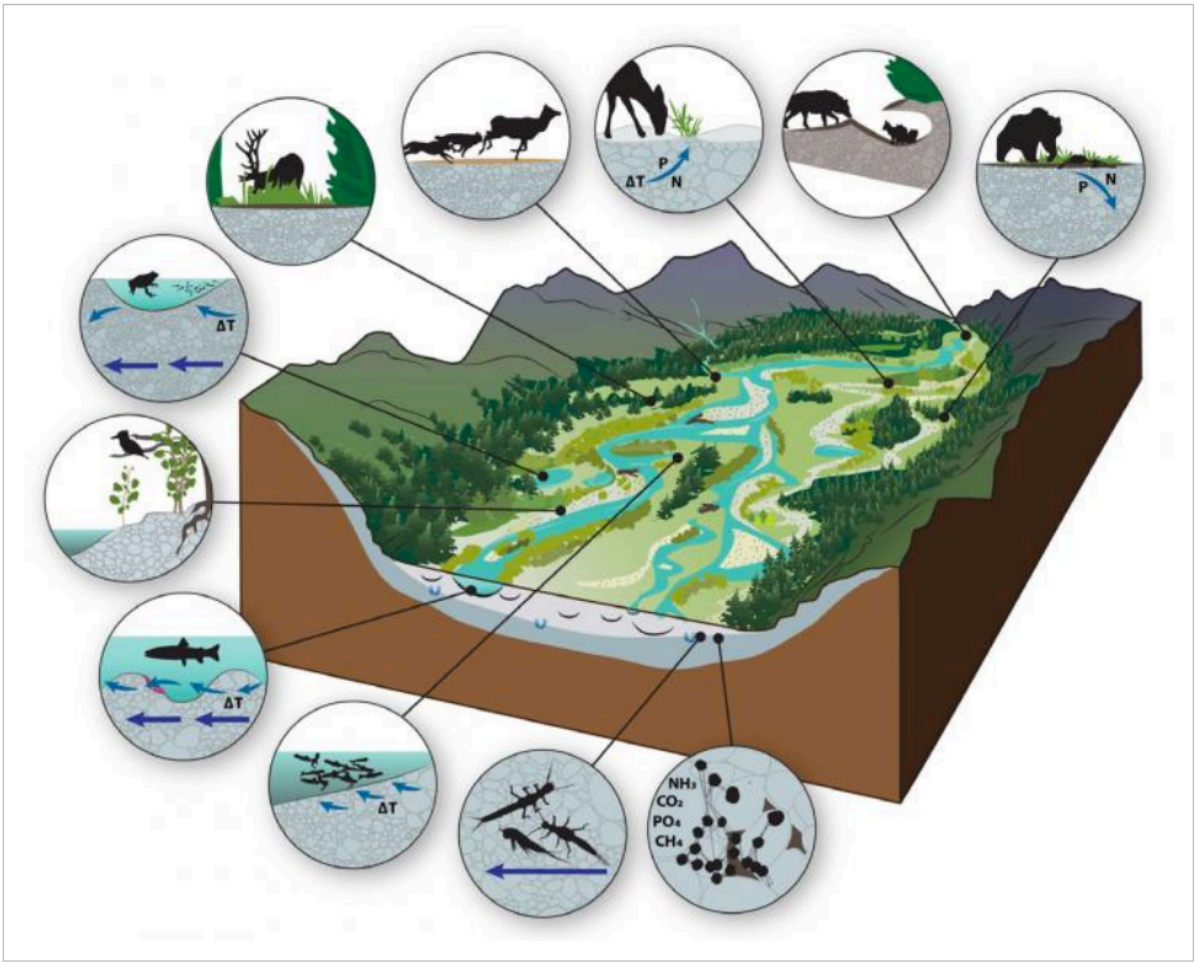
F. Proctor, S. B. Rood, Gravel-bed river floodplains are the ecological nexus of glaciated mountain landscapes. *Science Advances* **2**, e1600026 (2016).

[2] D. Tsutsumi and Jonathan B. Laronne, Gravel-Bed Rivers: Processes and Disasters. John Wiley & Sons Ltd., 2017.

Gravel Figure (IMAGE)

THE UNIVERSITY OF MONTANA



CAPTION

Scientific illustration shows the complexity of organisms that benefit from gravel-bed river floodplain ecosystems.