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September 13, 2019

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

Dear Chris Prew and the Interdisciplinary Team,

On behalf of American Rivers and our 350,000 members, supporters and volunteers across the United States, some of whom live near, drink and irrigate from, and recreate on the Forks of the Wild and Scenic Flathead River, we appreciate the opportunity to submit the following comments on the Flathead Wild and Scenic River Proposed Action during the Comprehensive River Management Plan (CRMP) revision being completed by the Flathead National Forest.

About American Rivers

American Rivers is a leading conservation organization working to protect and restore the nation's rivers and streams. Our mission is to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. Since 1973, we have conserved more than 150,000 miles of rivers through Wild and Scenic River (WSR) designations, dam removals, on-the-ground projects, and advocacy efforts. Our Northern Rockies Office, based in Bozeman, has been active in the Flathead National Forest and Crown of the Continent for the past nine years, including helping to pass the North Fork Watershed Protection Act and participating in the Flathead National Forest's recent Forest Plan revision. Personally, our staff consists of longtime Flathead River paddlers, anglers and backpackers.

Overview

This CRMP, the first Wild and Scenic Flathead River plan revision since the early 1980s, will likely guide management of the Wild and Scenic Flathead River until the year 2050 or longer. That is a tall order for a river management plan to fulfil, but it is also an opportunity to give those who come after us the tools and policies that they will need to maintain and enhance one of the great, wild river systems of the country – the river that inspired the Craighead brothers to propose the idea of creating a Wild and Scenic Rivers Act (WSRA) over 50 years ago.

Protection of a river under the WSRA has three main components: Maintenance of free-flowing character, preservation of outstandingly remarkable values (ORVs), and maintaining or enhancing water quality. Since the procedures for maintaining free-flowing character are spelled out clearly in applicable laws and policies, and water quality is also an ORV for every designated segment of the Flathead River, structuring our comments primarily around each ORV made sense to us, though we could have also organized them according to management issues as well.

Overall, the Proposed Action is a good start, though it lacks detail and specificity, particularly when it comes to environmental and recreational baselines. The Forest has flagged some of these details as forthcoming in the Environmental Assessment (EA), and we ask you to incorporate the additional details that we ask for in these comments as well. There is a perception among some of our members that the Proposed Action appears to be floater-centric. We hope that it will not appear this way in the next iteration. Because of the recreation detail in the Proposed Action, a number of our comments in this letter will center on recreation as well. As one moves through the ORVs beyond recreation though, one finds that much more detail will be required from the Forest in order for the revised CRMP to truly count as “comprehensive.” As such, it is difficult to identify how these factors will interact with what was drafted in the Proposed Action, and whether or not the Forest’s triggers, thresholds and management actions could be categorized as adequate, stringent or lenient, or whether or not they will be equally applied to all users of the Wild and Scenic corridor.

Recreation

There are a number of management issues contained within the Recreation ORV, making it one of the most difficult aspects of the plan to get right. Overall, we would encourage the Forest to deal with these issues in a transparent and stepwise fashion, utilizing “if – then” language when outlining indicators, triggers, thresholds and management actions.

1. Permitting: American Rivers supports the implementation of a self-issued permit system for all three forks for the Flathead River. The benefits would be three-fold: (a) The permits would be an educational tool for recreationists regarding Leave No Trace ethics, rules and regulations; (b) the permits would provide the Forest with user data – party size, dates, crafts, uses, length of stay – that could be used to monitor recreational use and provide baseline data; and (c) the permits would provide a means of regulatory enforcement since all users

would need to sign the permit certifying that they had read the rules and regulations.

As has been done on other rivers (Dolores River, Rogue River, Lower Salmon River), standing up a self-issued permit system would entail stocking a kiosk at major entry and exit points to the river corridor. The user would then fill out a permit, depositing the carbon copy within the kiosk and carry the other copy with them. At the end of the trip, the carried copy would be deposited in a kiosk after leaving the corridor. An annual sticker could also be required for a nominal fee, say \$10.00, to help fund the education of users in the river corridor or even pay for the installation of kiosks and related materials, should the Forest desire.

2. Waste Management: Establishing clear thresholds for campsite conditions and water quality impacts for each section of river is important. As a proactive measure, we would also like to see modern, compelling Leave No Trace interpretative signs at major trail heads and access points to the river corridor in order to teach recreationists how to properly dispose of their waste. This could mean either digging a “cathole” or carrying it out using a number of techniques. Each Ranger Station and Forest Service office should sell “Rest Stop” or “Wag Bags” as well as a lightweight, hard-sided container (such as a “Canyon Keg”) to deposit them in. Areas of the South Fork may already exceed desired conditions for human waste, and all users may need to be required to pack out their waste from those areas sooner rather than later, and we recommend adding clearly identifiable signage to regulations on the North Fork. Different tools for waste management could be recommended for different user groups within the river corridor, depending upon whether the recreationist travels by raft, kayak, packraft, carrying a backpack or on horseback.

3. Campfires: We would like to see direction and interpretive signage regarding campfire use, as well as thresholds for use and the encounter of existing fire rings, as well as guidance for firepan requirements once thresholds are breached across all user groups. These standards should be specific to each river corridor. It is easy to require outfitters to use commercially available fire pans, but there should be some leeway for lightweight firepan use in small watercraft and amongst private groups of backpackers and horsepackers once thresholds are breached. More and more lightweight options exist on the market.

4. Food Storage: Updated food storage requirements for rivers parties should be spelled out in the CRMP, and conform to best management practices for river-based recreation in grizzly country. Bear hangs, IGBC approved coolers, bear canisters and lockable boxes are all possibilities depending upon recreation type. Better signage and interpretation will be important as river-based and off-river recreational use grows within the Wild and Scenic corridor. The Forest needs to be proactive here. Once bear-food interactions become a problem, it is too late. Though there is currently a food storage requirement in place, it appears that many commercial and private groups do not currently follow it.

5. Non-boater Recreation within Wild and Scenic River Corridors: Care should be given to establish indicators, triggers and thresholds for non-boater recreation

occurring within the Wild and Scenic corridor, and to manage non-boaters and boaters in the same, transparent, stepwise way. This should include self-issued permitting. Non-boaters using the Wild and Scenic river corridor include horsepackers, hunters, anglers, backpackers and those camping at developed campsites and fishing access sites, currently managed by the Forest Service. Forest users rightfully expect that any thresholds breached within the Wild and Scenic corridor will require management actions that would equally affect boaters and non-boaters alike. An example of where equal enforcement is not being carried out is at Blankenship Bridge Access Site. According to American Rivers members, multi-week RV congestion oftentimes clogs access to the river there without enforcement.

6. User Capacity: Please share the methodology used by the Forest to determine user capacities. Are the proposed triggers and thresholds based upon survey data, monitoring, data from analogous river corridors, best management practices, ORV standards or outside science? When management actions need to be taken related to user capacity, will private and commercial users be treated the same? We believe that they should be.

7. Wildlife Impacts from Recreation: The forest should spell out triggers and thresholds regarding recreational impacts to wildlife ORVs. Sensitive species include wolverines, grizzly bear, Harlequin ducks and bull trout.

8. Motorized Use: Where motorized use is currently allowed, the forest should establish triggers and thresholds that recognize additional impacts that come from this form of recreation: noise, pollution, speed and upstream travel. These impacts have the potential to disproportionately affect other user groups, fish and wildlife.

9. Recreational Values: The CRMP should spell out the unique recreational values of each section of the Flathead River, how these values work in concert to provide a full spectrum of recreational opportunities, and how the Forest will maintain each of them. From remote whitewater, angling and camping opportunities in a very primitive setting, to roadside swimming and car-camping, the Flathead River system provides extremely high recreational opportunities across recreational disciplines, ages, skill levels and differing desires for wildness. The freedom experienced when paddling the upper South Fork or Middle Fork drainages on one's own time, at one's own pace without a lottery-derived permit is a rare and important value that will take a lot of outreach and education to maintain in the face of growing numbers of recreationists. It is worth it to attempt to do so.

Fisheries

There is a significant need for annual monitoring data to support the maintenance and enhancement of the Fisheries ORV. Climate change, recreational growth, future project proposals and the potential of a spill from an oil train highlight the need for robust baseline data. Montana Fish, Wildlife and Parks (FWP) captures data on Westslope cutthroat, bull trout and other native species' population numbers, and the Forest should capture data on fish habitat to complement it. Habitat management and

planning for fisheries should extend to upstream watershed boundaries, addressing all inputs to the Wild and Scenic River corridor. Management actions that support cold water refugia and high water quality values should be prioritized. As such, the potential impacts from timber harvest/treatments, mining, oil and gas development, road building, recreational developments, aquatic invasive species (AIS) and the transportation of hazardous materials should be addressed for areas of the Forest outside of designated Wilderness.

Water Quality and Quantity

A publicly published series of baseline studies from a set of identified monitoring sites in each drainage is needed, both to inform the Forest's work as well as the future work of partner organizations. The Forest should spell out baseline measurements as well as triggers and thresholds for best management indicators including but not limited to temperature, sediment, dissolved oxygen, volatile organic chemicals, e. coli, fecal coliform, and the presence and density of aquatic invasive species (AIS). Failure to do so could lead to shifting baselines and resource degradation in the future.

We also request that the Forest address strategies for mitigating and adapting to impacts from climate change, such as decreasing flows, increasing temperatures, AIS, fires and sedimentation, and disappearing cold-water refugia. The Forest should address potential management actions that could be taken to address these impacts in places like the corridor along U.S. Route 2, the BNSF Railway corridor, the Whitefish Range, lands west of the North Fork Flathead River, and along the Spotted Bear River and lands paralleling the East Side and West Side roads to the Spotted Bear Ranger Station. The Forest should both propose a set of proactive management actions to address these impacts, as well as a set of standards by which outside proposals are evaluated.

Wildlife

Though FWP and the U.S. Fish and Wildlife Service are primarily responsible for managing wildlife populations, the Forest is responsible for managing wildlife habitat, particularly as it pertains to the Wildlife ORV along Wild and Scenic rivers. The Forest should create a list of species of conservation concern, establish triggers and thresholds for this ORV, create a monitoring plan complete with published monitoring sites, and co-create an annual data sharing plan if that work is to be accomplished by partners or other agencies.

Botany

Very little is written in the Proposed Action regarding the Botany ORV, or how the Forest plans to maintain or enhance the values that led to the designation of this ORV. The Forest should create a list of species of conservation concern, establish triggers and thresholds for this ORV, create a monitoring plan complete with monitoring sites, and co-create an annual data sharing plan if that work is to be accomplished by partners or other agencies.

Geology

On the face of it, the Geology ORV seems to be one that is less likely to be impacted by humans than other ORVs. That said, there are aspects of it – fossil and cave resources,

and the Goat Lick – that could be. The Forest did a good job of mentioning these ORVs along with the maintenance of multi-colored substrate in river bottoms, but management of Geologic values through actions such as education about the importance of Goat Lick should be spelled out in greater detail.

Scenery

Scenery is an incredibly important value to the public, and one that becomes very apparent to visitors when it is compromised. Much more detail is needed regarding indicators, triggers, thresholds and management actions that would support the maintenance and enhancement of Scenery ORVs, organized by river classification and river segment. Powerlines, energy corridors, development, oil trains, resource extraction, highway expansion and increased road traffic, and impacts from growing numbers of recreational uses such as bank degradation, crowding, campfire rings, campsite conditions, and waste all need to be addressed.

History and Ethnography

The Forest needs to identify and monitor sites at risk for this ORV, though there is an expectation that the names and locations of sensitive sites will be kept confidential. Include management indicators, standards, thresholds and potential actions. The Forest should also outline a plan to educate the public on proper stewardship of cultural sites. Coordination with relevant tribal entities is of utmost importance as well, and should be noted in the CRMP.

Other Issues and Values

The Wild and Scenic Rivers Act empowers agencies to seek funding both to acquire priority lands within river corridors and to improve infrastructure. Does the Forest plan to pursue either of these objectives? If so, the CRMP should outline priorities for purchase or site enhancement under funding mechanisms such as the Land and Water Conservation Fund (LWCF). Likewise, any remaining minerals, oil or gas leases within the Flathead River watershed, upstream from a Wild and Scenic segment, should be prioritized for buyout, retirement or withdrawal, or doing so should at the very least be mentioned as a viable management action.

It should also be noted in the CRMP that the Forest must maintain river classifications at the designated level for each segment of river.

Creation of an Education and Outreach Plan

Much of the Proposed Action can be characterized as being reactive in nature, establishing triggers, thresholds and management actions in preparation for resource degradation. American Rivers would like to see more energy put into proactive education and outreach in the CRMP, planning to prevent degradation before it occurs. Such a plan could start with interpretive signage for LNT practices and regulations at put-ins and trailheads, particularly at the kiosks where self-issued permits are to be obtained. Current regulations regarding waste management while recreating in and along various sections of the three forks should be plainly posted at trailheads and river access sites. The Forest could also put some thought into other educational resources, potentially through the use of partnerships: classes, open houses, short videos for social media, and public service announcements on local radio stations. Making sure that

Forest Service river maps are available outside agency offices, and reaching out to local publishers, outfitters, gear shops and other businesses with outreach materials would be good steps toward achieving a greater saturation of educational materials in surrounding communities. You know the proverb, “An ounce of prevention is worth a pound of cure.” Please take this to heart in the next iteration of the CRMP.

Monitoring, Stewardship and Partnerships

One of the most important aspects of public lands management is monitoring. It is also often the first thing that is cut when budgets get tight. The Flathead National Forest should set an example in this CRMP by creating a robust and detailed monitoring plan. Such a plan would not only go a long way toward providing for the data needed to implement the plan, but would also serve as a template for an enterprising stewardship partner or “friends group” to seek funding for a flagship monitoring program. Without this, such a group might not know where to start, and a plan, complete with standard operating procedures would ensure that any citizen science collected, is useable and defensible. Regardless, the Forest needs this data to carry out its regulatory and stewardship mission and mandate related to the Wild and Scenic Flathead River.

We wholeheartedly support the idea of seeking a stewardship group as a partner for the Forest. Such a “Friends of the Flathead River,” or “Friends of the Three Forks,” could partner with the Forest on citizen science and monitoring, education and outreach, volunteer coordination, stewardship and fundraising. American Rivers would be happy to explore being the nonprofit fiscal sponsor of such a group while it transitions to becoming its own 501(c)3, should a dedicated local group of citizens wish to take on such a task.

Oil Trains

In 2017, American Rivers identified the Middle Fork Flathead as one of the nation’s Most Endangered Rivers © due to the threat of an oil train or other hazardous material derailment along the corridor. Currently, Burlington Northern Railroad (BNSF) trains typically cross the Continental Divide at Marias Pass and enter Glacier National Park and the Wild and Scenic Middle Fork Flathead River corridor. BNSF carries Bakken crude oil from North Dakota and eastern Montana along this corridor on its way to ports on the West Coast. A decade ago, barely 4,000 railroad tank cars moved crude oil nationwide. Now, 12-18 trains, each with 100 tank cars, pass through the Wild and Scenic Middle Fork Flathead River corridor each week. One tank car can carry 30,000 gallons of crude oil and each train can haul up to three million gallons.

Although there has not yet been an oil train disaster along the Middle Fork, 37 derailments occurred in this corridor between 2000 and 2012. A BNSF derailment that spills Bakken oil or other hazardous materials such as benzene or chlorine into the river would be disastrous for human health and safety, water quality, fish and wildlife, and the economy of the region. The steep, narrow, winding, mountain corridor would make emergency response almost impossible.

For all of these reasons, a coalition of several organizations called “Oil Safe Flathead” has been advocating for the last several years, for a derailment prevention plan that is specific to the Middle Fork Flathead. While the specific management actions identified in such a plan would require the input of a disaster prevention specialist, facilitating the

process and creating a plan, falls squarely within the power and jurisdiction of Flathead National Forest and Glacier National Park.¹ Even though the Federal Railroad Administration manages regulations and policies regarding railroad and train transport safety, this corridor is in a federally designated Wild and Scenic river corridor, making it the responsibility, and in the interest, of the Forest and Park to at least converse with the FRA on current management requirements.

Some specific recommendations that have been identified through recent Montana Department of Transportation evaluations include: lowering train car speeds through curved and narrow corridors and over bridges, increasing track inspections to ensure clear and safe train car passage, updating all train cars carrying hazardous materials to meet the strongest safety standards, and installing additional avalanche sheds at vulnerable locations along the corridor. These actions should be mentioned as management recommendations in the CRMP.

Cumulative Impacts

Finally, we would like to see the Forest better address cumulative impacts from long-term threats like climate change, growth in outdoor recreation, invasive species, resource extraction, road and infrastructure maintenance, backcountry flights, motorized uses, and development, identifying potential actions within its power and circle of influence to help mitigate them. This is where a 30-year vision is most important, and where leadership is needed. This section should also identify the most promising opportunities for proactive conservation during the life of the CRMP - opportunities like partnering with a “friends” group and serving a more educated and informed user group. Both of these opportunities would mitigate conflict and resource damage, decreasing the likelihood of crossing thresholds and triggering management actions.

Conclusion

Thank you for considering these comments and suggestions. Because of the rarity of CRMP revisions at this point nationwide, the outcome of this process will likely serve as a template for other land management agency units that embark upon CRMP revisions in the future. As such, it is extremely important to set a high bar for those who will follow. Some of our nation’s most valuable rivers depend upon it.

Personally, the Wild and Scenic Forks of the Flathead River have been an important part of my life for 13 years, and I have rowed, paddled, packrafted or backpacked almost every section of it. It is a truly special place, and public lands treasure, that I hope all future generations will be able to experience.

On behalf of the entire Northern Rockies office of American Rivers, I hope that the Flathead National Forest will take a hard look at the information that we have provided.

¹ See: *Idaho Rivers United v. U.S. Forest Service*, Feb 7, 2013. U.S. Chief District Judge Winmill ruled that the Forest Service did have the authority to intervene in the Idaho Transportation Department’s decision to allow megaloads to be transported along the Wild and Scenic Lochsa and Clearwater rivers and that they failed to do so under the Wild and Scenic Rivers Act of 1968. We believe that this issue is analogous.

We would be happy meet to discuss the suggestions that are contained in this letter, and to follow up with the Forest regarding the formation of a “friends” group.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Fiebig', with a horizontal line extending to the right.

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