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Please accept the following comments on the Bob Marshall Wilderness Complex Outfitter and Guide Permit Reauthorization.

### **Scoping Notice Lacks Sufficient Information for Informed Public Involvement**

The Forest Service proposed action lacks sufficient information for the public to provide site-specific comments. CEQ states, “[t]he agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis should be commensurate with the nature and extent of potential impacts of the decision being made. A NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decisionmaker to take a “hard look” at the environmental effects and make a reasoned choice among alternatives.

There should be enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved. A NEPA document must contain sufficient information to foster informed decision-making and informed public participation, including indirect and cumulative effects information (40 CFR § 1508.1(g), 40 CFR § 1508.7). NEPA reviews should describe the desired conditions for each area and how related standards and guidelines (aka thresholds) would constrain actions and prevent degradation. The Forest Service should recognize the need for robust scientific and technical analyses (40 CFR § 1502.23).

### **Proposed Action and Decision to be Made**

The proposed action description in the scoping notice is incomplete. The proposed action should clearly describe the full nature of activities authorized in the permits, including the use of system trails, base and spike camp locations and facilities, and the location of outfitter created routes that are routinely used. The proposed action should include discernable maps that show camp locations and the extent of the areas often used by the permittee.

NEPA decision “approves” an action/activity to take place on the landscape. A special use authorization “authorizes” a specific entity to conduct the stated action/activity in a specific location on the landscape. Recreational use decisions would normally address the allocation between private and commercial parties of the available allowed use-days (or acceptable impacts) as often seen in the allocation of use on Wild and Scenic Rivers. Although the scoping notices emphasizes permit authorization, I am primarily concerned about the effects of approving commercial activities that may substantially degrade Wilderness, Wild and Scenic River, and National Trails qualities and values.

### **Wilderness**

Wilderness is defined in the Wilderness Act of 1964 as an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which generally appears to have

been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, has outstanding opportunities for solitude or a primitive and unconfined type of recreation; and may also contain ecological, geological, or other features of scientific, educational, scenic, or historical values.

Outfitter activities, and facilities such as base camps, result in evidence of human presence. Permanent structures have been allowed to remain in the BMWC. Extensive use of system trails for packing supplies often degrades trail physical characteristics and water quality. Outfitter created travel routes are substantial and has led to significant soil and water degradation. I first observed these types of impacts in the BMWC in 1993.

Evidence of effects to the natural character of Wilderness can be the presence of exotic species and changes to air and water quality. Exotic species such as noxious weeds is one of the greatest threats to wilderness values. The use of weed seed free feed has been and should continue to be a requirement. However, non-native vegetation continues to be found around outfitter camps and is a risk to Wilderness Character, including natural plant diversity.

The Wilderness Act of 1964 allows commercial services to be performed within wilderness areas but also directs the Forest Service to manage wilderness areas in such a manner as will preserve wilderness character. Though the Wilderness Act does not explicitly define wilderness character, the definition of wilderness in Section 2 (c) describes wilderness as being untrammeled and undeveloped, managed to preserve natural conditions and with opportunities for solitude or primitive and unconfined type of recreation. The Forest Service must take a hard-look at any possible negative effects to these characteristics when considering any proposed project or activity in wilderness. There is not a need for outfitter and guide service opportunities where such use would result in substantially degrading the wilderness resource.



### **Wild and Scenic Rivers**

Section 7 of the Wild and Scenic Rivers Act directs federal agencies to protect the free-flowing condition and other values of designated rivers. The variety and quality of habitat in the Flathead drainage supports an extraordinary diversity of wildlife, including federally listed species, which makes wildlife an Outstandingly Remarkable Value of all segments of the Flathead River. Natural diversity of wildlife species, including natural predator-prey relationships must be maintained by preventing excessive killing of wolves. Bull trout populations must be protected.

### **National Scenic Trail**

The proposed action may substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail. The Continental Divide National Scenic Trail Comprehensive Plan states that, “[t]he nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback

riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.” Extensive use by supply pack strings has substantially degraded trail physical conditions along some segments of the Continental Divide National Scenic Trail in the BWMC.

### **Recommended Outfitter Permit Issuance Next Steps**

Rocky Mountain District Ranger Mike Muñoz states, “[w]e are working with a team of specialists from the Helena-Lewis and Clark, Lolo and Flathead national forests to evaluate and reauthorize permits that are set to expire in April 2025... Outfitters and guides help connect people with their public lands and we are looking for comments from the public that voice concerns... for reauthorization of these permits.”

These Special Use Permits are proposed to be issued using a Categorical Exclusion that does not analyze the impacts of the activities being approved nor does it look at cumulative impacts of these recreation permits. Instead of a CE, an Environmental Impact Statement is necessary to analyze the cumulative impacts to wildlife, fish and water quality; place limits on the amount of use; and quantify how many permits may be issued, for what, and where. These SUPs are in lynx, grizzly bear, wolverine, mountain lion, and wolf habitat yet nowhere are there an analysis of the effects, including direct, indirect, and cumulative impacts. The EIS must analyze the effects on Congressionally designated area qualities and values.

Specific to wolves (and grizzly bears if delisted), the Forest Service should consider the effects of the State of Montana’s wolf predator control efforts on Wilderness Character. Predator control in wilderness is inappropriate. Montana allows for the baiting of wolves. Wolves are excluded from being considered as “suitable for food”. The wolf carcass may be taken in possession or be left in the field (with pelt). A person can take up to 10 wolves by hunting. The Forest Service must address the potential effects of Montana predator control efforts on natural predator-prey relationships in the BMWC.

The Forest Service’s responsibility is to preserve the wilderness character of the Bob Marshall Wilderness Complex, not to promote any particular use, such as outfitting and guiding. Given the many impacts outfitting has on the Wilderness, the Forest Service must not use a Categorical Exclusion to renew any outfitter permits. An Environmental Impact Statement with accompanying public input is called for to properly protect the Wilderness, Wild and Scenic Rivers, and National Trail qualities and values. The Forest Service needs to make additional information available for public review on its website and must also extend the public comment period.

A couple of other general recommendations for the development of EIS alternatives:

- An alternative should evaluate the effects of a shortened Special Use Permit season such as not permitting outfitter camps after October. This change may reduce wilderness resource impacts.
- The Spotted Bear Ranger District should take a hard look at an alternative that addresses Wilderness and Wild and Scenic River issues associated with increase summer use along the South Fork of the Flathead River.

I appreciate that the BMWC managers are working with an interdisciplinary team to address resource issues associated with the reissuance of outfitter permits. However, to allow for informed public participation additional information about the proposal needs to be made available. A table should be included that displays the assigned sites that are in the current permits as well as the types of use the permits offer. Most important is providing maps and geospatial data (e.g., shapefiles) of base and spike camp locations and to the location of outfitter developed travel routes that are associated with client activities. Campsite management plans with photos of facilities need to be provided for all base and spike camps—this could be included in an appendix of the EIS. For each proposed camp location, the Forest Service should confirm that the camp is consistent with the direction in the most recent Bob Marshall, Great Bear, and Scapegoat Wildernesses Recreation Management Direction. This BMWC recreation management direction document should be made available with other EIS scoping information. The latest BMWC monitoring report should be made part of the EIS scoping documents.

Thank you for considering these comments.

Greg Warren