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USDA Forest Service
Objection Reviewing Officer
EMC, RPC-6th Floor
Attn: Judicial and Administrative Reviews
1601 N. Kent St.
Arlington, VA 22209
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November 26, 2013

Sent via Email to: objections-chief@fs.fed.us

Objector: Dave Hadden, Executive Director
Headwaters Montana
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Plan that is the subject of this objection: Land Management Plan, 2013 Revision, Kootenai National Forest (Plan)

Responsible Official: Faye Krueger, Regional Forester, Northern Region

Statement of Issues - Objection Summary: The Plan improperly assesses the Wigwam River and Grave creeks from consideration as eligible wild and scenic rivers claiming other administrative designations and insufficient ORVs preclude a recommendation in violation of their responsibility to fairly assess eligibility

Statement that demonstrates the link between prior substantive formal: Headwaters Montana commented on this subject in its March 30, 2013, letter on the Draft EIS.

To Whom It May Concern:

This letter conveys *Headwater Montana's* objection to the Eligible Wild and Scenic Rivers recommendation decisions reached in the DOR and final Plan for the Wigwam River and Grave Creek. Headwater Montana is also submitting two additional joint objections on other issues, one with the Montana Wilderness Association and The Wilderness Society, and a second with Defenders of Wildlife. Please include this letter in the official record.

Our comment letter on the draft KNF plan (at page 6) describes some of the Outstanding Remarkable Values (ORV) of the Wigwan River and Graves Creek :

"The Wigwam River is an international river (flowing north into B.C., Canada) and perhaps the most significant bull trout river in interior North America. Grave Creek lies between the Galton and Whitefish Range, Montana, and is a significant bull trout and west slope cutthroat trout stream with high recreation value and is a source of water for the City of Eureka (via Fortine Creek).

Headwaters engages citizens of the Crown of the Continent in the region's critical conservation issues: water and wildlife conservation, and climate change.

The Wigwam River

With regard to the Wigwam River we stated in our comments on the Draft EIS:

“...the Wigwam river is one of the top bull trout fisheries in North America and certainly within the region. (Appendix B, Table 1) (Hagen, John and Scott Decker. 2011. Mike Hensler, pers. comm.; Clint Muhlfeld, pers. comm.) The Ktunaxa First Nation of southeast BC (Kootenai in the US) regard the Wigwam as one of the most significant rivers in their territory.”

The FEIS states (p. 30):

“Wigwam River: This River was found by the group to have fisheries, recreation, and scenery values. The KNF found it had a fisheries value for bull trout. Most of this river is in Canada. The fisheries value because of bull trout presence is protected through critical habitat designation. Therefore, this creek was not determined to be eligible as a wild and scenic river. (Emphasis added)

The KNF final Plan chose to not recommend “eligibility” to this important fishery and transnational river because of the “critical habitat” designation. The critical habitat designation is appropriate. The KNF provides no additional explanation for why it chooses not to recommend for eligibility when other ORV criteria (bull trout, recreation, and cultural values i.e., an international watershed) would make it “eligible”. The KNF ignores its mandate to fairly evaluate the eligibility of the Wigwam River. Additional designations do not preclude eligibility.

The Wigwam River is subject to the Boundary Waters Treaty of 1909 and falls under the purview of the International Joint Commission (IJC). The neighboring North Fork Flathead watershed illustrates by example the cultural significance of the Wigwam.

Because of protracted citizen (i.e. cultural) efforts on both sides of the border, British Columbia and Montana signed a MOU on environmental matters in 2010. British Columbia has made significant concessions to Montana and the US on resource development and extraction in the North Fork Flathead River watershed. The North Fork Flathead is a designated W&S River.

The Wigwam River is no less important culturally to Canada, if not the United States as an ancient cultural site for the Ktunaxa First Nations (Kootenai Indians) on both sides of the border. The fact that the Wigwam River is subject to other laws and treaties demonstrates the high cultural value society as a whole places on this river. We strongly suspect that local constituencies (Glen Lake Irrigation District) may be opposed to wild and scenic eligibility but ancient *and* treaty-level agreements are superior claims for cultural value. The KNF failure to recommend eligibility to the Wigwam River is both culturally insulting, short sighted, and probably in violation of regulation and USFS policy and directives.

Objection Solution: *Recommend the Wigwam River as eligible for W&S designation.*

Grave Creek

The DEIS listed Grave Creek as a candidate for W&S River eligibility. The FEIS withdraws this recommendation (p. 474). The FEIS states:

“In addition to the existing eligible rivers identified in the 1987 ROD and subsequent amendments, Alternative B Modified includes the same additional eligible rivers as Alternatives C and D *with the exception of the Grave Creek and Quartz Creek Systems*. Review of these creek systems between draft and final found the outstandingly remarkable

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values for most segments were bull trout and sensitive plants. The presence of these features are not necessarily “rare, unique, or exemplary” across the KNF, with bull trout and sensitive plants found on many creeks and rivers throughout the Forest. *Critical habitat for bull trout and occurrence of sensitive plants are protected regardless of management area designation....” (Emphasis added)*

Bull Trout are a nationally important species, listed as threatened in this part of their historic range. The KNF has decided against recommending eligibility because the river has been listed a critical habitat by the USFWS. As with the Wigwam River above, overlapping or redundant designations should not and cannot preclude eligibility under the WSRA. The Plan’s decision is akin to telling the public that, “The river is so important that we’ll let another federal agency (the USFWS) do it, and we can wash our hands of it.”

Grave Creek watershed contains other ORVs. The river’s role in the survival of the bull trout cannot be doubted based on USFWS critical habitat listing, even if other creeks and rivers on the KNF also harbor this species. The FEIS finds that because other rivers and creeks on the Forest contain bull trout that it isn’t so remarkable. Compared to the bull trout’s historic range, *every remaining creek and river has elevated cultural and wildlife values* that the Plan’s non-recommendation ignores. Grave Creek is scenically beautiful and is enjoyed by locals and visitors year-round. Its recreational value is important as an access corridor to Ten Lakes WSA and as a snowmobile route enjoyed by hundreds every winter. Perhaps most importantly, the Buffalo Cow Trail transects Grave Creek watershed, remnants of which are still visible along Grave Creek *and signed* by the KNF. This ancient trail is of very great importance to the Kootenai Indians as well as to people of all cultures who appreciate the 10,000-plus history of this ancient passageway across the mountains.

Objection Solution: *Recommend Grave Creek as eligible for W&S designation.*

On behalf of the board of directors and members of *Headwaters Montana* we appreciate this opportunity to participate in helping shape a more balanced, forward-looking revised management plan for the 2.2 million acre Kootenai National Forest.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Hadden", followed by a long horizontal flourish line.

Dave Hadden, Executive Director
406-837-0783 / dave_hadden@headwatersmontana.org.