



United States
Department of
Agriculture

Forest
Service

May 2013



Environmental Assessment and Draft Finding of No Significant Impact

CLARK FORK RIVER OUTFITTER and GUIDE SPECIAL USE PERMITS

**Plains/Thompson Falls Ranger District, Lolo National Forest
Sanders County, Montana**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202)720-6382 (TDD). USDA is an equal opportunity provider and employer.

Table of Contents

Introduction.....	1
Purpose and Need for Action.....	2
Public Involvement.....	2
Issue Resolution.....	3
Alternatives.....	4
Resource Protection Measures.....	5
Environmental Consequences.....	6
Recreation.....	6
Threatened, Endangered and Sensitive Plants.....	7
Heritage Resources.....	7
Soil and Water.....	8
Fisheries.....	8
Wildlife.....	9
Scenic Resources.....	9
Invasive Species.....	9
Agencies and Persons Consulted.....	10
Appendix A – Draft Finding of No Significant Impact	
Appendix B – Vicinity Map	

INTRODUCTION

This project proposes to permit additional commercial outfitter and guide use at river access sites on National Forest System land along the Clark Fork River between St. Regis and Paradise, an area locally known as the “Cutoff”. This project would not regulate commercial use on the river itself, as that activity is under the jurisdiction of the State of Montana. There are two boat launch facilities (one developed and one undeveloped) on National Forest System land in this area. The developed facility is the Ferry Landing boat launch located where Highway 135 crosses the river, about halfway between St. Regis and Highway 200 (see map in Appendix B). This facility includes a boat launch, vault toilet, parking area, picnic tables, and a trailhead. The undeveloped site is located approximately 4 miles downstream from Ferry Landing and across Highway 135 from Cascade campground (see map in Appendix B). This site contains an undeveloped, user-created boat launch site and no facilities. There is a turnout along Highway 135 where vehicles can park. In addition to the boat launch sites, this project would allow incidental outfitter and guide use on other National Forest System lands adjacent to the river for temporary day-use boat stops for activities such as picnicking, rest periods, and wildlife viewing.

Commercial outfitter and guide use of the two National Forest boat launches has been occurring for many years. Currently, only a few of these commercial users have special use permits from the Forest Service mostly due to past Agency policy to generally allow low-impact use. This has resulted in an unfair situation in which some outfitters pay fees to the Forest Service for use of National Forest System lands in this area and others do not. Now that overall recreation use (commercial and non-commercial) along this segment of the Clark Fork River has increased, it has become apparent that commercial use of National Forest System lands needs to be regulated using special use recreation permits. This project will remedy the current unfair situation and bring all commercial use into conformance with Federal regulations.

The Forest Service conducted a resource capacity analysis¹ for boat-based recreation (both commercial and non-commercial) at the Ferry Landing and Cascade boat launches and determined additional commercial outfitted recreational use is appropriate. Of the total capacity, about 30 percent was allotted to commercial use. Allocations of use to outfitters are measured by “service days” which reflect the use of one client/customer for one day on National Forest System land. Current outfitter use (both permitted and unpermitted) is approximately 600 days. The analysis estimated the capacity at both the Ferry Landing and Cascade boat launch sites to be a total of 4,428 service days with 50 percent allocated to each site. This number may seem high, but use of National Forest System lands by each user would likely only be for about ½ hour for boat launching and/or landing. The 4,428 service days represents an average of about 36 outfitted clients passing through either of the boat launch sites each day of the peak season which is generally May 1 through August 31. It is unlikely that the full capacity would be reached within the foreseeable future because the sites are likely already being used close to a market-based capacity by permitted and unpermitted outfitters.

Providing additional outfitter use under permit would make conditions equitable between all outfitters (those currently under permit and those that are not). The goal is to provide high

¹ Resource capacity analysis is used to determine the amount of overall use an area can sustain without detrimental social or physical resource impacts.

quality recreation for both outfitted and non-outfitted users of river access sites on National Forest System lands along the “Cutoff” section of the Clark Fork River.

The Forest Service has prepared this Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA), the Lolo National Forest Plan, 40 CFR 1508.9, 36 CFR 220.7, and other relevant federal and State laws and regulations. This EA discloses the project’s foreseeable environmental effects for consideration in determining whether or not to prepare an Environmental Impact Statement. The reports cited in this EA and additional project documentation can be obtained from the project file located at the Plains/Thompson Falls Ranger District in Plains, Montana.

PURPOSE AND NEED FOR ACTION _____

This project would permit up to a total of 4,428 outfitter and guide service days at the Ferry Landing and Cascade boat launch sites on the Clark Fork River during the peak season from May 1 to August 31. Fifty percent of the service days (2,214 service days) would be available at each of the launch sites. At this time, the amount of commercial use at these two sites during the rest of the year would not be limited; however permits would still be required and outfitters would need to report their use. Also not limited at this time would be incidental outfitter and guide use on other National Forest System lands adjacent to the river for temporary day-use boat stops for activities such as picnicking, rest periods, and wildlife viewing. The purposes of the project are to:

- meet the current and expected future requests for commercial boat-based outfitter and guide use within the available capacity; and
- remedy existing inconsistencies with commercial recreation use permitting in this area

The Lolo National Forest Plan provides guidance for the management of the Lolo National Forest. The Forest Plan directs that the Forest Service provide for a wide spectrum of dispersed recreation activities while minimizing environmental impacts. This project is consistent with Forest Plan direction.

Public Involvement

On October 3, 2011, scoping letters were mailed to landowners, outfitters, and organizations and individuals who have previously requested notification about this type of project. The scoping letter was also posted on the Lolo National Forest website and the project was listed in the Schedule of Proposed Actions, which is also available on the Forest website. The scoping letter included this proposal as well as a similar proposal to provide additional commercial outfitter use at access sites to the Thompson River located between Plains and Thompson Falls. Nineteen comment letters were received. Most comments were about the Thompson River proposal.

Due to public concerns about the Thompson River proposal, a public meeting was held on February 6, 2012. Approximately 13 people attended the meeting. The Forest Service solicited comments for another 30 days until March 6, 2012. In total, forty-six comments were received in various forms – mostly letters and emails. Again, most comments were about the Thompson River proposal.

Because there were few public concerns regarding the Clark Fork River proposal but numerous concerns regarding the Thompson River proposal, the Forest Service decided to separate the analysis of the two projects. This Environmental Assessment only covers the Clark Fork River proposal. The Thompson River proposal will be addressed at a future date.

The public comments on the Clark Fork River proposal were primarily from outfitters requesting permits or expressing support for the proposal. Other comments received expressed concerns about specific aspects of the project or existing river access sites. These comments are addressed below.

Issue Resolution

The Forest Service found no significant issues or unresolved conflict concerning alternative uses of available resources. No additional issues were identified that would require another alternative to address them. As stated above, some issues were expressed during the public scoping period. These concerns are briefly addressed below.

Additional outfitter and guide use may affect traditional cultural uses and archaeological sites along the Clark Fork River

Outfitter and guide use would primarily occur at the Ferry Landing and Cascade boat launch sites, which have been used by the public for several decades. Although permits would allow incidental outfitter and guide use on other National Forest System lands adjacent to the river, it is unlikely there would be a noticeable increase in use because both permitted and unpermitted outfitters have been using the river corridor for many years. Should outfitter use interfere with traditional uses at some time in the future, permittee annual operating plans can be modified to address user conflicts. Special use permits contain a standard requirement that the permittee notify the Forest Service if any “antiquities or other objects of historic or scientific interest” are discovered. The requirement also stipulates that the discovery be left intact.

Additional outfitter and guide use may affect fish populations

This project would have no effect on fish populations. The Montana Department of Fish, Wildlife and Parks (Montana FWP) regulates fishing for all users and is responsible for managing fish populations. Montana FWP also regulates outfitter use on waterways in Montana. This project only involves permitting additional outfitter and guide use at river access sites on National Forest System land along the Clark Fork River between St. Regis and Paradise. However, in the foreseeable future, it is unlikely that this project would result in a noticeable increase in commercial use because the primary access sites are likely already being used close to a market-based capacity by permitted and unpermitted outfitters. Without permitted access on National Forest System lands, outfitters and their clients could still fish and/or float the river but would need to gain access through another owner’s land.

Concern that outfitters already pay too many fees

One commenter was concerned that outfitters already pay fees to the State of Montana and recommended that no fees be charged by the Forest Service. Outfitters currently pay fees to the Montana Board of Outfitters, Montana Department of Fish, Wildlife and Parks, and some

landowners. The Code of Federal Regulations (36 CFR 251.57) requires collection of fees for commercial use on National Forest System lands. It stipulates that fees be based on fair market value of the rights and privileges authorized. For day use float fishing, fees for 2013 are \$9.13/service day (1 person for a day or part of a day). Collected fees are then returned to the Plains/Thompson Falls Ranger District to be used at developed recreation sites and trails. Permit revenue is used for items such as sand removal at Ferry Landing, pumping toilets, painting toilets, tables and signs, and cleaning/repair at the sites.

The lack of facilities at the Cascade boat launch site may not be suitable for outfitter use

The Cascade boat launch is an undeveloped, user-created site that has been used for several decades by both outfitters and the general public. Currently, the site contains no facilities (e.g. concrete boat ramp, picnic tables, toilet, signs, or designated parking area). The site is located at a turnout off of Highway 135 and there is very little useable space for facilities outside the river's high water mark and the highway right-of-way. Sanitation is a concern; however vault toilets are located in Cascade campground about a quarter mile west and across the highway. As part of this project, a sign board would be installed at this site which would contain a notice to site users about the availability of the nearby toilets. Outfitter permits would also be strictly enforced to prevent leaving human waste at the Cascade site.

Special use permit fees are charged regardless of whether the commercial use on National Forest System lands occurs at developed or undeveloped sites.

Concern that deposited sand blocks the Ferry Landing boat launch site during the early part of the boating season, which limits access for outfitter use

During high water, the Clark Fork River deposits sand on the Ferry Landing boat ramp which blocks access to the river. Boaters have developed an alternate launch site approximately 60 feet downstream to use during this period. The Forest Service has evaluated the potential of redesigning the launch to remedy the sand deposition problem but concluded there is no feasible solution due to the river's hydraulics. Annual sand removal was determined to be the best option at this time. Because of limited budgets, sand removal is conducted once a year after high water subsides, usually in July. Thus, use of the alternate launch site is appropriate when the main boat launch is blocked with sand. If adequate funds were to become available in the future, potentially 2-3 sand removal operations per year could be considered.

ALTERNATIVES

Section 102 (2)(E) of the National Environmental Policy Act (NEPA) requires the Forest Service to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. The Forest Service did this with the No Action and Proposed Action alternatives described below.

NO ACTION

This alternative provides a baseline for comparison of environmental consequences of the proposed action to the existing condition and is a management option that could be selected by the Responsible Official. Under the No Action Alternative, only outfitters with special use permits issued by the Forest Service would be allowed to use the Ferry Landing and Cascade boat launch sites and any other National Forest System land within the river corridor for boat-based commercial purposes. In contrast to past Forest Service management of these sites, unpermitted outfitting use would be prohibited.

PROPOSED ACTION

The proposed action would permit up to a total of 4,428 outfitter and guide service days at the Ferry Landing and Cascade boat launch sites on the Clark Fork River during the peak season from May 1 to August 31. Fifty percent of the service days (2,214 service days) would be available at each of the launch sites. At this time, no limit would be placed on the number of service days for the rest of the year. However, outfitters would be required to report all service days and pay the appropriate fees for commercial use of National Forest System lands. Incidental outfitter and guide use on other National Forest System lands adjacent to the river for temporary day-use boat stops would also not be limited at this time.

The resource capacity is well above the current demand. Permits would be issued on a first-come, first-serve basis to qualified outfitters. Unpermitted outfitter use would no longer be allowed on National Forest System land. The proposed action includes the resource protection measures listed below and the standard provisions stipulated in the special use permit.

Resource Protection Measures

1. A sign board would be installed at the Cascade boat launch. On the sign board, information would be posted to notify site users of the availability of vault toilets in the Cascade campground across the highway.
2. Commercial use at the Ferry Landing and Cascade boat launch sites would be monitored by both law enforcement and recreation personnel several times a week during the peak season. Special use permit requirements would be enforced. Unpermitted outfitting use would be prohibited.
3. Standard provisions in the special use permit require proper disposal of trash and human waste; protection of Forest Service facilities; and if any cultural or historic objects are discovered they are to be left intact and the Forest Service is to be notified.
4. To address the potential risk of aquatic invasive species introduction and spread, special use permits would include a requirement that boats and trailers be cleaned prior to launching from Forest Service river access sites if the watercrafts have been previously used in any other waterbody besides the Cutoff section of the Clark Fork River. Cleaning requirements would include the following recommendations identified by Montana Fish, Wildlife and Parks:

- Remove all sediment, vegetation, and aquatic animals from boats and trailers.
- Drain all water from boat, including the motor, live well, and bilge.
- Disinfect boat with a 20 percent commercial bleach solution and rinse boat and trailer with water. Pressure washing with hot water is preferred, if possible. If high pressure, hot water (greater than 140°F) is used, no soap, detergents, or chemicals are necessary.
- Air dry boats and trailers for as long as possible between visits to different sites.

ENVIRONMENTAL EFFECTS

This section provides a summary of the environmental effects of the proposed action. It provides the necessary information to determine whether or not to prepare an environmental impact statement. The draft Finding of No Significant Impact (FONSI) in Appendix A discloses that the proposed action would not result in any significant effects. Other supporting documents are contained within the project file, which is available at the Plains/Thompson Falls Ranger District office in Plains, Montana.

Consistent with 36 CFR 220.4(f) and CEQ guidance, the past, present, and reasonably foreseeable actions were considered for analysis of cumulative effects where appropriate for each resource. Past actions considered in cumulative effects analysis include those that contributed to establishing the baseline conditions of the project area today. Currently permitted and unpermitted outfitter use of the Ferry Landing and Cascade boat launch sites is estimated to be 600 service days. No documented conflicts have occurred between commercial and non-commercial users at these sites. It is unlikely that the project would result in a noticeable increase in commercial use at the boat launch areas in the foreseeable future because permitted and unpermitted outfitter use has been ongoing and these sites are likely already being used close to a market-based capacity. Within the last few years, the Montana Department of Fish, Wildlife and Parks constructed a boat launch in Paradise, which provides another boat take-out point for recreationists using the Cutoff section of the Clark Fork River and the Flathead River.

As authorized under the 2010 Cutoff Project Decision Notice, the Ferry Landing parking lot will be expanded when funding becomes available to accommodate current and future use of the boat launch and trailhead during peak periods.

Recreation

The resource capacity analysis considered both commercial and non-commercial use of the Ferry Landing and Cascade boat launch sites. Although this project would allocate additional service days to commercial outfitters, it is not expected to affect general public use at these facilities. As previously stated, there is unlikely to be a noticeable increase in commercial use in the foreseeable future because current permitted and unpermitted commercial use is likely already at a market-based capacity. There have been no documented conflicts between commercial and non-commercial users at these sites. Occasionally, the parking area at Ferry Landing becomes congested on peak weekends due to use by both river and trail recreationists. The future planned expansion of the parking area

would accommodate boat and horse trailers as well as other vehicles. If future conflicts arise, stipulations could be placed on outfitter use to reduce parking congestion at the sites.

One of the issues raised by the public was the lack of sanitation facilities at the Cascade boat launch site. Human waste is sometimes left at the Cascade site and is removed by the Forest Service on a regular basis. There is no way to determine whether this issue is attributed to commercial or non-commercial users. Installation of a vault toilet at this site is not feasible because there is not enough space between the highway right-of-way and the river's high-water mark. To address the sanitation issue, special use permits contain a standard requirement that outfitters properly dispose of waste and garbage. In addition, the project would also install a signboard that would notify site-users of the availability of vault toilets across the highway in the Cascade campground (see Resource Protection Measure #1). These measures may reduce the need for regular cleaning at the boat launch by the Forest Service. The recent construction of the boat launch facility at Paradise by Montana Fish, Wildlife, and Parks could modify the use at the Cascade boat launch site. For those recreationists desiring a longer and/or different float experience, some boat landing/take-out could be dispersed to the Paradise site, which contains an established parking area and vault toilet.

Another public comment asked that commercial use be adequately monitored and enforced. Agency personnel typically visit the Ferry Landing and Cascade river access sites about 2-5 times per week during the peak season (May-September). As part of their routine visits, they check to see if commercial outfitters are operating with a permit and within the terms of their permit. Special use permit requirements would be enforced. Once this project was implemented, unpermitted outfitting use would be prohibited (see Resource Protection Measure #2).

Threatened, Endangered, and Sensitive Plants

The project would have no effect on any federally listed Endangered, Threatened, or Forest Service sensitive plants because primary outfitting activities would occur in established recreation sites where no such plants have been identified. Incidental use of other National Forest System lands near the river would not involve ground disturbance and thus would be unlikely to affect any threatened, endangered, or sensitive plant, if present.

Heritage Resources

The project would have no direct, indirect, or cumulative effects on heritage resources because primary outfitting activities would occur in established recreation sites where no heritage sites are located. If incidental use of other areas on National Forest System land leads to a discovery of historic or cultural sites or objects, a standard provision in the special use permit requires the permittee to notify the Forest Service and to leave the discovery intact. The project is consistent with Forest Plan direction and Section 106 of the National Historic Preservation Act.

Soil and Water

The project would have no measurable direct, indirect, or cumulative effects on soil or water quality. In the foreseeable future, commercial recreational use is not expected to noticeably increase as described above, thus there would be little additional ground surface wear above what is currently occurring. The Ferry Landing site has a hardened boat ramp designed for repeated use. The Cascade boat ramp was user-created and has been in place for at least 50 years (it is delineated on plat maps from the early 1960s). The ramp is mostly a hardened surface composed primarily of river cobble. The risk that this project would increase the erosion and sediment delivery potential is very low.

The parking area for the Cascade site is essentially a highway turn-out within the Montana Department of Transportation's highway right-of-way. Vehicles currently park within the confines of the turnout and there is no opportunity for expansion (either developed or user-created) due to the proximity of the river. The parking area at the Ferry Landing site is delineated and the potential for user-created expansion is controlled by boulder placement. Thus, no additional ground disturbance is expected from vehicle use at these recreation sites.

The project includes actions that address potential sanitation concerns. Outfitter special use permits contain requirements for proper disposal of waste and garbage. Permit provisions would be enforced. A vault toilet is located at the Ferry Landing recreation site. Vault toilets are also located within the Cascade campground approximately one quarter mile west and across the highway from the Cascade boat launch site. The project would install a signboard at this site to notify site-users of the availability of the nearby toilets.

The project would be consistent with the Clean Water Act and State water quality standards.

Fisheries

This project would have no measurable direct, indirect, or cumulative effects on fish (including Federally listed or Forest Service designated sensitive species) or their habitat for the reasons described above under the Soil and Water section. This segment of the Clark Fork River is designated as critical habitat for bull trout. For the reasons discussed above, this project would have no effect on critical habitat. Proposed actions would not modify instream habitat or result in increased sediment yield to the Clark Fork River. The project would also not adversely affect fish populations. The Montana Department of Fish, Wildlife and Parks (Montana FWP) regulates fishing for all users and is responsible for managing fish populations. Montana FWP also regulates outfitter use on waterways in Montana. This project only involves permitting additional outfitter and guide use at river access sites on National Forest System land along the Clark Fork River between St. Regis and Paradise.

Wildlife

The proposed activities would have no direct, indirect, or cumulative effects on any federally listed Threatened or Endangered species and would not affect the viability of any species identified as sensitive by the Forest Service in the Northern Region because:

- Outfitter use would primarily occur at established recreation sites adjacent to Highway 135.
- No physical changes would occur on the ground.
- The proposed action is not expected to result in a noticeable increase in recreation use at least in the foreseeable future because existing commercial use is likely already close to a market-based capacity.
- The standard requirements in the special use permit require bear resistant food storage and proper disposal of waste and garbage.

The proposed action complies with applicable conservation strategies for wildlife species and is consistent with the Endangered Species Act and other laws providing direction and requirements for the management of wildlife species and habitat. The proposed action is also consistent with applicable Forest Plan standards.

Scenic Resources

Highway 135, which runs through the river corridor area, is designated as a National Forest Scenic Byway. In addition, the Clark Fork River in this area was determined eligible for potential designation as a “recreation” river under the 1968 Wild and Scenic Rivers Act (refer to Forest Plan Amendment 12 (1991)). Management standards and guidelines are associated with these designations to maintain the scenic integrity as viewed from the highway and the river.

The proposed action would have no direct, indirect, or cumulative effects on scenery because no physical changes would occur on the ground. Also, the proposed action is not expected to result in a noticeable increase in recreation use in the foreseeable future because existing commercial use is likely already close to a market-based capacity.

Invasive Species

This project is expected to have no direct, indirect, or cumulative effects on terrestrial weed species because commercial recreation use is not expected to noticeably increase in the foreseeable future as described above. In addition, both the Ferry Landing and Cascade sites are hardened existing facilities open to public use. These sites are treated for weeds as needed. Special Use Permit requirements restrict vehicles to open roads and trails. Incidental use of other National Forest System lands adjacent to the river would not involve ground disturbance and thus the risk of weed establishment and spread is very low.

Aquatic invasive plant and animal species are a growing threat to waterways in western Montana. Many of the aquatic invasive species have the ability to withstand extended periods of time out of water or in small amounts of water making their transport to new

locations possible. Boats and boat trailers that come into contact with aquatic systems can easily transport these exotic pests. The State of Montana encourages recreationists to inspect, clean, drain, and dry their watercraft prior to launching into a new waterbody. To address the potential risk of this project resulting in the spread of aquatic invasive species, the special use permit would require that prior to launching from the Ferry Landing or Cascade facilities, outfitters must clean their boats and trailers if they have been previously used in any other waterbody besides the Cutoff section of the Clark Fork River (see Resource Protection Measure #4). Because of this requirement and enforcement of the permit, the project would likely reduce the potential for outfitters who use National Forest System land to access the river to introduce and spread aquatic invasives compared to the existing condition.

AGENCIES AND PERSONS CONSULTED _____

Sanders County Commissioners
Mineral County Commissioners
The Confederated Salish and Kootenai Tribes
Montana Department of Fish, Wildlife, and Parks

APPENDIX A

DRAFT FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the Clark Fork River Outfitter and Guide Special Use Permits Environmental Assessment (EA), I have determined that the proposed action would not have a significant effect on the quality of the human environment based on the context and intensity of its impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared.

DRAFT

RANDY R. HOJEM
District Ranger
Plains/Thompson Falls Ranger District
Lolo National Forest

Date

I base my findings on the following:

The Selected Action will implement activities that are of limited scope and duration, affecting only the immediate area around two established, well-used river access sites. The number of outfitter service days would not exceed the established resource capacity. The term of the special use permits would be for 10 years, with an annual review of outfitter operating plans. Resource protection measures (EA, page 5) and standard permit requirements would minimize environmental effects.

The Forest Service found no significant issues or unresolved conflicts concerning alternative uses of available resources that warrant consideration of additional alternatives. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significance, as used in NEPA, requires consideration of both context and intensity.

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale, rather than the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

The effects of the proposed action are limited in context. The project is limited in size (Outfitter use up to, but not exceeding, an established resource capacity at two existing river

access sites) and duration (the term of the special use permits would be for 10 years). Effects are local in nature and are not likely to significantly affect regional or national resources. Annual review of outfitter operating plans provides an opportunity to address social or environmental resource issues if they arise.

Within the context of the landscape as a whole, the ecological consequences are not found to be significant in either the short- or long-term.

(b) Intensity. This refers to the severity of impact. The following ten aspects are considered in the evaluation of intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and adverse

I considered beneficial and adverse impacts associated with the proposed action as presented in the Clark Fork River Outfitter and Guide Special Use Permits EA. These impacts are within the range of effects identified within the Lolo National Forest Plan. Based on the specialist reports contained within the project file and summarized in the EA, I conclude that the specific direct, indirect, and cumulative effects of the proposed action are not significant, and this action does not rely on beneficial effects to balance adverse environmental effects.

The resource protection measures, permit requirements, and stipulations in the annual operating plans will effectively eliminate or reduce to negligible most of the potential impacts; therefore, implementation of the proposed action will not result in any adverse effects to forest resources (see EA, pages 6-10).

I find that the proposed action would be socially beneficial because it will remedy a currently unfair situation in which some outfitters pay fees to the Forest Service and others do not to use National Forest System lands. Once implemented, the proposed action would require all commercial outfitters who use National Forest System land to access the river to pay fees based on use and fair market value. Generated revenue would then be available to maintain recreation site facilities.

2. The degree to which the proposed action affects public health or safety

The proposed action will have no adverse effect on public health or safety. Standard requirements in the special use permit require proper disposal of trash and human waste. Outfitter use at the river access sites does not currently, and is not anticipated to, affect public health or safety.

The general public will continue to have access to the Clark Fork River across National Forest System lands

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas**

The proposed action will not impact any known historic or cultural sites. Special use permits contain a standard requirement that the permittee notify the Forest Service if any “antiquities or other objects of historic or scientific interest” are discovered. The requirement also stipulates that the discovery be left intact.

The Clark Fork River in this area has been determined eligible for potential designation as a “recreation” river under the 1968 Wild and Scenic Rivers Act. The proposed action is consistent with the management guidelines for eligible rivers (Forest Service Handbook (FSH) 1909.12, section 82.51). I conclude that the proposed action will have no effect on unique resources.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial**

Based on the limited context of the project, my review of the public comments received, and the analysis documented in the EA and Project File, I do not find any controversial effects to the human environment. In the NEPA context, “highly controversial” does not encompass all public opposition to a proposed action, but instead only applies to a substantial dispute as to the size, nature, or effect of an action.² The comments received on the project did not indicate controversy over the size nature or effect of the additional outfitter permits.

I conclude that the effects of the proposed action are not considered highly controversial by professionals, specialists, and scientists from associated fields of recreation, wildlife biology, soils, fisheries, and hydrology.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk**

Based on my review of public comments received on this project and the analysis documented in the EA and Project File, I conclude that there are no uncertain or unique characteristics in the project area which have not been previously encountered or that would constitute an unknown risk to the human environment.

A technical analysis (EA and Project File) that discloses potential environmental impacts (which is supportable with use of accepted techniques, reliable data, and professional judgment) has been completed, and I believe that the impacts of implementing this decision are within the limits that avoid thresholds of concern.

² Indiana Forest Alliance, Inc. v. United States Forest Service 325 F.3d 851 (10th Cir.2003) citing Wetlands Action Network v. United States Army Corps of Engineers, 222 F.3d 1105 (9th Cir.2000); Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1212 (9th Cir.1998) citing Greenpeace Action v. Franklin, 14 F.3d 1324, 1335 (9th Cir.1993); Sierra Club v. United States Forest Service, 843 F.2d 1190, 1193 (9th Cir.1988) (accord); LaFlamme v. Federal Energy Regulatory Commission, 852 F.2d 389, 400-01 (9th Cir.1988)

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

This proposal to increase special use permit service days at the Ferry Landing and Cascade river access sites up to, but not exceeding, the established resource capacity is a site-specific project that does not set precedence for future actions. Additional service days would not be advertised but would be available until the capacity is reached. Any proposed future project must be evaluated on its own merits and effects. The proposed action is consistent with the Lolo National Forest Plan and the capabilities of the land.

7. Whether the action is related to other actions with individual insignificant but cumulative significant impacts

Connected, cumulative, and similar actions have been considered and included in the scope of the analysis. The analysis accounts for past, present, and reasonably foreseeable future actions. Based on my review of the analysis and disclosure of effects in the EA, specialists' reports, Biological Assessments and Evaluations, and other analyses in the Project Record, I conclude that additional permitting of river access will not contribute potential cumulative adverse impacts (EA, pages 6-10).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources

A comprehensive evaluation of heritage resources was conducted and there are no known sites that will be impacted (EA, page 7). Although unlikely, in the event that such resources are discovered during project implementation, they will be evaluated and protected. Special use permits contain a standard requirement that the permittee notify the Forest Service if any "antiquities or other objects of historic or scientific interest" are discovered. The requirement also stipulates that the discovery be left intact.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973

This project would have no effect on any threatened or endangered species or its habitat (EA, pages 7-9).

10. Whether the proposed action threatens a violation of Federal, State, or local law requirements imposed for the protection of the environment

The proposed action meets all federal, state, and local laws, including those for heritage resources, water quality, and threatened and endangered species (EA, pages 7-9). It also

meets the National Environmental Policy Act disclosure requirements (Clark Fork River Outfitter and Guide Special Use Permits EA and Draft Finding of No Significant Impact).

The proposed action is consistent with the National Forest Management Act (NFMA) and the Lolo National Forest Plan. This proposal does not require any Forest Plan amendments.

APPENDIX B

VICINITY MAP