

Testimony of Julia Page in support of SB 173
1/27/2005

Senate Local Govt. Comm.
Exhibit No. 2
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Bill No. SB173

Mr. Chairman, members of the committee:

My name is Julia Page, and I am testifying today on behalf of Northern Plains Resource Council. Northern Plains is a grassroots conservation and family agriculture group.

I've live in Gardiner and have run a small business there for the past 20-plus years. My business is whitewater rafting and, thus, I depend on the river for my livelihood. I believe this bill adds an important and necessary protection for Montanans and our highly valuable Montana rivers. I believe rivers belong most importantly to the public of Montana. In the years I've run the Yellowstone River, near Gardiner, through Paradise Valley and down through Livingston, every year there have been new encroachments on the river corridor. In my own mind I've noted "The Worst New Thing on the River" for each year. Usually these are structures built too close. Sometimes they are bank hardening projects – rock walls, rip rap, or rock barbs – built to "protect" something built in the flood plain.

Our rivers deserve better. A statewide setback law with a usable variance procedure will protect the public resource of our fantastic Montana rivers and protect landowners at the same time. Owners of existing lots that are too small to conform to the setback requirement can seek a variance. That's really important. Lots created in future will have to be designed to meet the setback.

Although I usually float up near Gardiner, ever since the floods of '96 and '97, I've floated lots of folks through the section of the Yellowstone just south of Livingston where such dramatic channel changes occurred. It is readily apparent that the Yellowstone has reacted to the bank hardening that's occurred along its length. When floods occur, the volume of water increases and flows faster, the level rises, sometimes it gets out of its banks and onto the flood plain where the energy is dissipated and absorbed. When the river can't get out to its floodplain because the bank's been raised or the flow's been deflected, the water rushes past even faster. It basically ricochets down stream, and hits with even greater force somewhere else. This is a known phenomenon and it is very plainly evident on the Yellowstone above and through Livingston. Without statewide standards, some local governments may not enact measures that protect their downstream neighbors.

A setback law won't solve all the problems associated with development along rivers, but at least it will prevent some of the property and habitat losses that would occur if new construction were allowed to continue right along the banks of our rivers. Rivers are a public resource. Many different users benefit from them - the lucky landowners who have some river front, anglers and floaters, fish, wildlife, municipalities and irrigators who depend on clean water, tourists who bring lots of income to lots of small businesses. We need to protect rivers for the long term and SB 173 will help.

I recently purchased a property along the river that is within the setback limit. I believe a usable variance process is necessary to accommodate landowners like me who want to build, but can't reasonably locate a house far enough back. A good law will prevent future abuse and mitigate existing situations. Consistent application of the law throughout the state will enhance property values because it will protect the natural values that make riverfront so desirable.

Please support SB 173. Thank you.