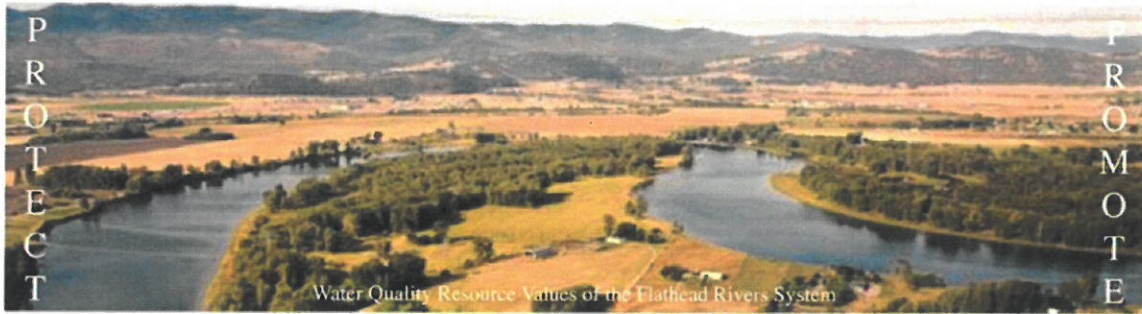


# Flathead River Commission



May 4, 2022

Water Policy Interim Committee  
Montana Legislative Environmental Policy Office  
Capitol Building, room 171  
P.O. Box 201704  
Helena, MT 59620-1704

Attn: Jason Mohr, Legislative Staff, Research Analyst

Dear members of the Water Policy Interim Committee,

During the Water Policy Interim Committee meeting on January 18-19, 2022, Flathead Conservation District provided testimony on historical and current rates of erosion on the mainstem Flathead River above Flathead Lake. At the meeting on March 15-16, 2022, there was a panel discussion from statewide stakeholders to provide information about the issue at a statewide scale. In follow up to these meetings, members of the committee requested recommendations from the Flathead River Commission and Flathead Conservation District.

The reasons that the Flathead Conservation District brought forward a resolution for study of this issue to the 67<sup>th</sup> State Legislature, were two-fold: 1) so that state-wide resources could be directed toward an organized study of this issue, and 2) so that attention could be brought to the issue at a level appropriate for identifying potential solutions and enacting mechanisms for mitigation and management.

The language of SJ28 states:

*NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:*

*That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review issues of erosion along the Flathead River, including:*

- (1) compiling existing data on the causes and impacts of erosion on the Flathead River;*
- (2) determining the impacts of recreational boat use to streambanks on the lower Flathead River and how to lessen those impacts; and*

*(3) examining information gaps and collecting additional data, as necessary.*

*BE IT FURTHER RESOLVED, that the assigned interim committee include the participation of stakeholders in this study process, including the Flathead Conservation District, Flathead River Commission, Flathead Basin Commission, Department of Fish, Wildlife, and Parks, the Confederated Salish and Kootenai Tribes, the National Park Service or Glacier National Park, the cities and towns in the Flathead River basin, and at least two members of the public representing recreational and agricultural groups.*

Although the Flathead River Commission and Flathead Conservation District have in-depth local knowledge of the issue, the study as described in the language of SJ28 is a critical first step before determining any potential outcomes. At this time, it is difficult to provide recommendations to the committee for outcomes of SJ28 because the study as described has not been completed. To date, only a subset of the stakeholders identified in SJ28 have been convened and provided testimony. The others have not been involved in the study or provided input, specifically: Flathead Basin Commission, the Confederated Salish and Kootenai Tribes, the National Park Service or Glacier National Park, the cities and towns in the Flathead River basin, and at least two members of the public representing recreational and agricultural groups.

Concurrent to study under SJ28, the Flathead Conservation District and Flathead River Commission have initiated a scientific study of erosion on the Flathead River which we believe will fill an informational gap needed for determining outcomes of SJ28. That study will take place in spring/summer/fall of 2022 and will result in a report provided to the Water Policy Interim Committee at the end of the interim session. We would like to request a special meeting of the Water Policy Interim Committee in October 2022 to review the report and consider options for recommendations and outcomes.

While we believe that additional study is necessary to provide recommendations, the Flathead River Commission and Flathead Conservation District have brainstormed several potential outcomes based on current understanding of the issue:

- The Water Policy Interim Committee could bring forward legislation in the form of a bill that is introduced out of committee into the 68<sup>th</sup> Legislative Session that would request additional study and time to continue the scientific study using grant funding and other potential funding
- The Water Policy Interim Committee could produce a preliminary report with recommendations to the Fish & Wildlife Commission, including any of the following alternatives:
  - A directive to complete another boater survey, or otherwise assist with the ongoing scientific study
  - A directive to expand on education and outreach efforts through development of specific campaigns and educational materials
  - Designation of the lake-influenced section of the Flathead River as lake shore and subject to the existing no-wake zone on Flathead Lake; the current no-wake zone of 200 ft from shore would extend into the lake-influenced section of Flathead River when the lake is at full pool
  - Recommendation for a no-wake zone on the lower 22 miles of the Flathead River



- The Water Policy Interim Committee could draft legislation and bring forward a bill to the 68<sup>th</sup> Legislature to develop a landowner incentive program which would provide tax breaks if appropriate bank stabilization methods were adopted

Streambank erosion is a complicated and challenging issue which the Flathead River Commission has been working on since its formation in 2009. Flathead County is seeing unprecedented growth and this issue is only likely to get more challenging in the future. New technologies and increased population mean more boats, capable of causing greater and greater erosion, are likely to make use of the Flathead River. As described in the original bill approved by the 67<sup>th</sup> legislature, a thorough understanding of the causes and implications of erosion are paramount for protection of the Flathead River, our local economy, and the prime farmland adjacent to the river.

We thank the Water Policy Interim Committee for their continued support in studying this issue so that in partnership we may find appropriate strategies to prevent and mitigate streambank erosion in the future.

Sincerely,



Mark Siderius, Chair  
Flathead River Commission

