

From: donotreply@mt.gov
To: [LEG Cmte-WPIC Comment](#)
Subject: Public Comment for WPIC
Date: Wednesday, August 31, 2022 4:44:59 PM

Public Comments for the Water Policy Interim Committee

Date: 31st August 2022 16:44

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Subject:

Public comment on SJ28 report

Comment:

GENERAL COMMENTS: The reasons that the Flathead Conservation District brought forward a resolution for study of this issue to the 67th 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. Over the course of study, the Water Policy Interim Committee (WPIC) looked at this issue in the context of the Flathead River specifically, but also inquired about the issue at statewide and national levels. Additionally, WPIC repeatedly asked why this issue was brought forward to the Montana Legislature, instead of through other avenues. As such, it would be valuable to include examples from other parts of the country experiencing this issue and what was done to address it in WPIC's final report to the 68th Montana Legislature. For example, Oregon SB 1589 recently passed the Oregon Legislature and will ban wakesurfing on the 29-mile Newberg Pool stretch of the Willamette River as well as limit wakeboarding and tubing to boats weighing under 550 pounds. Further, Bonner County, Idaho recently implemented regulations through Resolution 22-50 that established no wake zones within 500 ft of shore on all navigable waters county-wide. There are also several examples of imposed regulations and education campaigns from the Midwest. These examples would be valuable examples to include in the final report, not only as a summary of available strategies for dealing with the issue at hand, but also as examples by which regulations and education campaigns have been brought forward, imposed, and implemented at various levels of government from local/county up to statewide. Page 3, DRAFT FINDINGS: General comment on draft findings 1-6: It would be useful to provide summary statistics that were derived from the study in the draft findings. For example, in Draft Finding #4, the finding refers to an "increase in boat traffic", but does not include the six-fold increase that is specified later in the report, or that

this is outdated and likely an underestimate. Further, there would be more utility in the draft findings if they were paired to the draft solutions at the conclusion of the report. The complexity of factors driving erosion on the Flathead River is lost in the draft findings. This inherent complexity and interplay of factors leads to the difficulty in determining viable and effective potential solutions. That should be the primary finding of the study, with a corresponding draft solution of need for additional study.

2. Sources of erosion include inundation by floods, wind- and storm-driven waves, spring runoff, and boat wakes. This is an incomplete picture of the complex situation driving erosion on the mainstem Flathead River. No mention is made in the draft final report of the impact of water management to control elevation in Flathead Lake. Controlled releases at two dams (Hungry Horse Dam and Seliš Ksanka Qlispe' Dam) are used to seasonally raise and lower the water level in Flathead Lake by 9-10 ft. Inundation caused by backwatering from Flathead Lake creates a dead zone on the stream banks where no vegetation can establish and stabilize soils. When the lake elevation is dropped to its lowest level, saturated soils on these stream banks erode and collapse, causing sediment inputs to the river and loss of land. These stream banks are particularly sensitive to erosion from additional drivers, and as a result, wave and wind energy, currents, and natural processes accelerate erosion. While this is included and elaborated upon in the section of the report "Causes of Erosion" (pgs. 4-5), the draft finding should be more inclusive of this information. It is the first place readers will look for a summary of findings from the Committee's report.

5. Wake-reduction regulations are a tool to reduce erosion. Local stakeholders typically drive these regulations and restrictions, which often arise out of conflict between groups. The Legislature or the Fish and Wildlife Commission may authorize these regulations, which would affect recreational interests. It is correct that the Fish and Wildlife Commission may impose wake-reduction regulations but specifying this in the draft findings provides an incomplete picture of what was learned during the study. It would be valuable to include a summary of the regulatory authority that exists in Montana relative to protection of natural resources. In addition to the Fish and Wildlife Commission (an executive commission), the Montana Legislature may impose regulations. Counties and Conservation Districts may impose local land ordinances. Specifying the Fish and Wildlife Commission's authority in the draft findings, and the circumstances under which these regulations have been imposed in the past, suggests that it is the only option available for addressing the issue that was brought forward in SJ28, and that there is a pre-determined course of action and outcome of this study.

6. Property owners alongside other Montana rivers and lakes, such as the Missouri River and Lake Helena, experience erosion from similar causes. The testimony provided by statewide stakeholders was in regard to impacts of wake-driven erosion on the Upper Missouri River, Missouri River, and Canyon Ferry Reservoir. The Flathead River Valley A summary of more recent changes in growth and development in the Flathead Valley would be helpful in this section. Additionally, a description of the prime agricultural soils in the Flathead Valley, especially those adjacent to the river, is an important detail to include.

List of Solutions The first sentence of this section automatically denigrates the list of potential solutions that are included in this report. Instead of stating that policy solutions will not work because erosion is a natural process and unstoppable force, recommend rephrasing this to incorporate the inherent complexity of factors driving erosion in this system, and the need for identification of solutions that address acceleration and unnatural rates of erosion. Rather than solely listing the policy options, recommend including the need for more complete study before any recommendations are made on policy. 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; Directive #2 is incomplete and the need for additional study should be included in the final report.

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From: donotreply@mt.gov
To: [LEG Cmte-WPIC Comment](#)
Subject: Public Comment for WPIC
Date: Sunday, August 28, 2022 6:44:29 PM

Public Comments for the Water Policy Interim Committee

Date: 28th August 2022 18:44

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Anna

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Subject:

Study of Flathead River Erosion

Comment:

I think this a valuable use of our state's resources and the study should move forward to help preserve the health and wellbeing of the Flathead River.

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