

MEMORANDUM

TO: People interested in stream corridors in Montana.

FROM: The Montana Consensus Council.

SUBJECT: Situation assessment on stream corridors in Montana.

DATE: July 10, 1998.

The Montana Consensus Council

*Building
Agreement
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During the 1997 legislative session, a number of legislators asked the Montana Consensus Council to assess trends, issues, and concerns related to development pressure and management along Montana's stream corridors. From November 1997 through February 1998, we interviewed 80 people representing a wide range of interests on stream corridor issues. The attached situation assessment is the result of those interviews.

The intent of this situation assessment is to foster a common understanding of the many issues related to Montana's stream corridors and their management. Everyone we talked with agreed that stream corridors are a key part of Montana's landscape. But there are many different views about the health of our stream corridors, how to protect their many values, and how to better coordinate federal, state, and local management efforts. Just as there is no single, commonly held definition of exactly what constitutes a stream corridor, Montanans have yet to address stream corridor issues in a comprehensive manner.

Based on the interviews and our experience with other situation assessments, we offer three options for how to move forward on this issue. (These options are explained in more detail beginning on page 16 of the situation assessment.)

- 1) Support and expand existing voluntary, incentive-based initiatives.
- 2) Seek new partnerships.
- 3) Develop new legislative proposals.

Although we tried to talk with as many people as possible on this issue, we should emphasize that this assessment is not an exhaustive study, nor an end in itself. Think of it as a starting point for further discussions and possible actions.

Read the assessment and let us know what you think. We welcome the opportunity to meet with people or groups interested in discussing stream corridors, the above options, and other ways to address stream corridor issues.

Please send us your comments any time before 5 p.m., Friday, August 7, 1998.

Thank you for your time and consideration.



Stream Corridors in Montana

A Situation Assessment

**The Montana Consensus Council
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July 10, 1998

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Introduction

Stream corridors are a key piece of Montana's landscape. Rivers and streams provide water for irrigation, hydroelectric power, industrial processes, and needs as basic as drinking and bathing. Stream-side lands absorb the force of floods, store and release groundwater flows, and contribute nutrients to the streams and rivers running through them. These lands also support timber, crops, livestock, and mineral production. They provide critical habitat for a wide range of plants and wildlife.

Stream corridors are also recognized for their recreation and aesthetic values. They enhance the quality of life for residents and are a major drawing card for Montana's growing tourism industry. For many people, stream corridors offer the most desirable homes sites.

Despite their importance, there is no single, commonly held definition of exactly what constitutes a stream corridor. Some people say it's the stream itself, bank to bank. Others include lands above the high water mark, but within the floodplain. And still others say that a stream corridor includes all lands that drain into a specific stream—in effect, the corridor is an entire watershed.

For the purposes of this report, we use a definition that is intentionally vague to accommodate most people's sense of what a stream corridor is— *streams and rivers and their immediately adjacent lands*. But readers should be aware that defining stream corridors is in fact one of the issues still to be resolved.

The various—and often competing—interests listed above can place high demands on stream corridors. Recreationists and landowners, for

example, continue to wrestle with questions over public access and private property rights. Continued development along streams and rivers is also raising concerns.

During the 1997 legislative session, a number of legislators asked the Montana Consensus Council to assess trends, issues, and concerns related to development pressure and management along Montana's stream corridors. The legislators noted that “during the past three years, the issue of how to manage stream corridors to protect private property rights and public values has become a controversial issue in several counties throughout Montana” (see letter in Appendix 1). The Consensus Council agreed to assess the situation.

The goal of a situation assessment is to develop a common understanding of the range of concerns surrounding an issue and the needs and interests of the affected parties. Based on this information, we can suggest a process for addressing the issue that satisfies the needs and interests of the affected parties.

The objectives of this situation assessment are to:

- (1) Identify the interests and concerns of the people and organizations concerned with stream corridors and stream corridor management in Montana;
- (2) Examine how the issues related to stream corridor management are currently being addressed and will most likely be addressed in the immediate future;
- (3) Determine the satisfaction of people in Montana with the likely outcomes of the current procedures being used to address the issues related to stream corridor management; and

(4) Explore ways to improve the situation surrounding stream corridor management in Montana.

The Montana Consensus Council is nonpartisan and an impartial servant of all participants in this process. We are not an advocate for any particular interest or outcome.

Methodology

This situation assessment summarizes the results of 63 voluntary, confidential interviews conducted with 80 people interested in stream corridor management in Montana. It is not an exhaustive or statistical study, nor an end in itself.

The legislators requesting this project asked us to interview property owners; developers; local, state, and federal government representatives; conservation

districts; conservation and recreation groups; and other concerned citizens and leaders. We developed an initial list of interviewees including representatives from these groups and from different parts of Montana. As we talked with people, we asked them to refer us to additional interested parties. We interviewed as many of these as possible, given limited time and the broad scope of interests. Others we placed on a list for potential future reference.

We interviewed people either face-to-face at a location of their choice or by telephone from November 1997 through February 1998. Some interviews included more than one person, either from the same group or from different groups. Two people provided written comments. One group we contacted declined to be interviewed. Interviewees included staff, employees, or members from the groups in Table 1.

Table 1. Interviewees included staff, employees, and members of these groups.

American Whitewater
Montana Audubon
River Network
Greater Yellowstone Coalition
Montana Farm Bureau
Montana Land Reliance
Northern Plains Resource Council
Montana Wildlife Federation
Montana Farmers Union
Montana Council of Trout Unlimited
Montana Water Court
Salish-Kootenai Tribal Office
County planners
U.S. Forest Service
Montana Association of Realtors
Montana Homebuilders Association
Montana Stockgrowers Association

Flathead Lake Biological Station
Montana Legislature
Montana Graingrowers Association
Montana Association of Counties
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
U.S. Natural Resources and Conservation Service
Montana Woolgrowers Association
Montana Environmental Information Center
Montana Water Resources Association
Montana Wood Products Association
Montana Association of Conservation Districts
Local conservation district offices
Organizations United for Rivers and Streams
Representatives of mining and business
Montana Department of Natural Resources and
Conservation
Other interested people

Each person had the opportunity to freely discuss his or her concerns, while responding to the following questions:

- (1) How would you describe the condition and the management of stream corridors in Montana?
- (2) What are your concerns regarding this issue?
- (3) What people or groups are affected by or interested in this issue? Who else would you recommend that we interview?
- (4) If this situation were to continue on its present course, what would be the most likely outcome? Is this potential outcome acceptable to you? If not, what would a successful outcome look like to you and what specific steps might be needed to get there?
- (5) Do you think a consensus-building forum would be useful in addressing the stream corridor management situation and options for the future?
- (6) What are the constraints, if any, to convening a consensus-building forum?

Responses and comments are presented below according to the major issues raised in the interviews. We have also summarized the interviewees' suggestions for improvement and their comments on how to proceed.

Based on the interviews, we identified the following general interest groups or caucuses:

- 1) federal agencies
- 2) state agencies
- 3) local government (including city,

county, and conservation district representatives)

- 4) agriculture
- 5) developers and industry
- 6) conservation groups
- 7) recreation advocates
- 8) resource professionals
- 9) watershed groups
- 10) other interested citizens

We gathered additional information for this report from written comments and documents including local and regional newspapers, organizational documents, and government reports. The summaries of these interviews are not statistically representative of any particular group. Some opinions and interests may not be presented here. *Think of this report, then, as a starting point from which to build understanding about the issue of stream corridor management in Montana.*

Description of the Situation

More than 170,000 miles of rivers and streams (53,000 miles perennial; 117,000 miles intermittent) have shaped the geography and character of Montana. These watercourses supply water not only to Montana, but also to three continental watersheds. Headwater streams on the eastern slopes of Montana's Continental Divide send water to the Missouri River system; those on the western slopes supply the Columbia River system; and those on northern slopes flow to the Saskatchewan River system through Canada.

Montanans have enjoyed many benefits from these water resources and adjacent lands. Initially, Montana rivers provided travel and trade routes through a rugged landscape where overland travel was otherwise difficult. Later, rivers and

streams provided water for agriculture, placer and hydraulic mining, and hydroelectric generation. Large federal and private irrigation projects criss-crossed many stream corridors, creating jobs and increasing the amount of arable land. As the state grew, stream corridors again offered the best travel routes, this time for railroads and paved highways.

These major projects helped build Montana's economy, but they also brought significant changes to Montana's stream corridors and river systems. Towns and commercial development sprung up on the banks of rivers, and some riparian areas were converted to cropland or pasture for livestock. In other cases, sections of some stream corridors were dredged or channeled for mining and construction projects or inundated as waters rose behind new dams.

More recently, the recreational, natural, and aesthetic values of Montana's stream corridors have made them highly desirable as home sites. Most of the nearly 200,000 new Montanans that have arrived since 1970 have settled in western Montana, and many of them choose to live outside urban areas. (The balance of urban to rural population in Montana has remained about 50:50 during this growth.) Most of the conversion of open space to residential development in Montana occurs at lower elevations where it is easiest to build, and stream corridors are one of the most popular settings for home construction.

The impact of such development on stream corridors is more gradual and piecemeal than the projects of earlier days, but the trend is clear. The same qualities that draw people to stream corridors are being threatened by growth and development. Some corridors are protected from development by federal, state, and local

programs such as the National Wild and Scenic Rivers Act, the Montana Floodplain and Floodway Act, and various county and municipal regulations (see the section on Management Framework and also Appendix 2).

In other stream corridors, however, riverbanks are being transformed by the construction of homes, retaining walls, boat ramps, terraced gardens, and lawns. Continued development will heighten competition among the different users of stream corridors because access will be increasingly limited. In particular, recreational use is soaring, as more people come to hike, fish, hunt, and boat. Permit applications for the Smith River, for example, increased from 216 in 1992 to nearly 4,000 in 1997 and are now restricted through a lottery system. Obtaining public access to streams is also an issue in some areas. As land values rise, so does the cost of purchasing access. There is also the risk of potential conflicts with new landowners who may restrict traditional local access or limit access to certain groups.

Some landowners in stream corridors may be unaware of best management practices (BMPs) for their land, such as managing livestock to protect riparian vegetation and to prevent streambank erosion. Other BMPs include controlling noxious weeds; leaving riparian plants unmowed to provide cover for fish and forage for wildlife; minimizing the use of fertilizers, herbicides, and pesticides; and managing irrigation to reduce runoff and erosion. When BMPs are not followed, problems arise that affect water quality, the extent and quality of fish and wildlife habitat, public access, aesthetics, and flood-buffering capability. Extent of flooding is a concern in some areas, such as along the Yellowstone River, where a task force was recently created to address this and other issues.

Many people are concerned about other land-use activities that affect the water quality of Montana's streams. In 1994, Montana's Department of Environmental Quality assessed the water quality of about 17,000 miles (11 percent) of streams in Montana and identified about 14,000 of those as threatened or impaired. Causes of impairment cited by the study included nutrients, erosion and siltation, suspended solids, salinity, flow and habitat alterations, and metals. According to department researchers, agriculture contributed to the impairment of 60 percent of the assessed miles, primarily through return irrigation flows and effects from grazing and livestock. Other contributors cited were logging, road construction, municipal wastewater discharges, mining, natural sources (such as arsenic from hot springs), and streambank modification or destabilization. Nonpoint sources of pollution (which originate over a broad area) accounted for nearly 90 percent of the impairment.

The issue of how to address stream corridor management in Montana in ways that protect both public values and property rights has been controversial. In 1995 and again in 1997, a joint resolution (House Resolution 2) was introduced into the state legislature to address stream corridor management. Both attempts failed to make their way through the legislature. The request for this assessment indicates a bipartisan interest in exploring other ways to address the issue.

Management Framework

There is no single, comprehensive statute or policy addressing the management of stream corridors in Montana. In fact, there is no common definition of what stream corridors are. In our interviews, people's definitions of stream corridors ranged from

the streams themselves, bank to bank, to a broader inclusion of the whole watershed. Most people seem to associate stream corridors with river floodplains. How to define stream corridors remains a moving target, however, and this is reflected in the shotgun pattern of laws and programs aimed at stream corridor issues. There are federal, state, and local laws and programs, many of which often overlap yet also differ greatly in their focus and intent.

In general, federal and state laws and programs fall into one of the three categories below. Local laws and programs fall into the latter two categories.

- Those that address stream corridors or river systems *in general*;
- Those that protect *specific stream corridor characteristics* or indicators of stream corridor condition; and
- Those that govern *specific activities* in stream corridors.

Laws that Address Stream Corridors in General

In Montana, the National Wild and Scenic Rivers program (16 U.S. Congress 1271) offers protected status to sections of the Missouri River and the North, Middle, and South Forks of the Flathead River. Another national effort, the American Heritage Rivers program, was created in September 1997 by Executive Order under President Clinton. The Yellowstone River was named as a candidate for this program but was not included. Several Montana rivers were designated as "blue-ribbon recreation drainages" in 1972 under the State Recreational Waterway System (12-8-401, Montana Code Annotated (MCA)). They include portions of the Flathead, Missouri, Smith, and Yellowstone, and Rock Creek.

Unfortunately, designation under this law bestows no formal protection or funding. Many stream corridors are protected to varying degree by their inclusion in federal or state land, such as in national forests, designated wilderness areas, national wildlife refuges, national parks and recreation areas, and state forests and parks. In some cases, however, development has occurred or is planned on private inholdings. State funding to acquire additional lands of special interest is limited, though money is sometimes made available for fishing access sites and key wildlife habitat, which often includes stream corridor areas.

Laws that Protect Specific Characteristics and Govern Specific Activities

Many laws and programs target specific stream corridor characteristics or activities. Water quality is a focus of many laws because it is a good indicator of stream corridor conditions, is measurable, and has been well documented on most streams. Laws that protect water quality (and therefore influence land-use decisions within stream corridors) include The Federal Clean Water Act, National Environmental Policy Act, Montana Water Quality Act, Montana Environmental Policy Act, and Montana Stream Protection Act. Other stream corridor characteristics, such as water quantity, wildlife, aesthetics, and open space are also protected by law to varying degrees (see Appendix 2).

Other laws govern specific activities that occur in stream corridors, such as building in floodplains, waste disposal, channelization, mining, logging, and recreational use. For example, the Federal Rivers and Harbors Act governs dredging in navigable waters, and the National Forest Management Act contains specific conditions for logging within 100 feet of

streams. Montana's Streamside Management Zone law (77-5-301, MCA) prohibits logging within a 50-foot buffer zone along streams. Two of the most important state laws in this category are the Montana Natural Streambed and Land Preservation Act (310 permit, 75-7-102, MCA), and the Montana Stream Protection Act (124 permit, 87-5-501, MCA). Both laws govern work—such as dredging, filling, or diversion work—in any stream. In general, these laws are actively enforced, affording strong protection of Montana's streams within their banks.

In 1997, the state legislature passed the Total Maximum Daily Load (TMDL) bill (75-5-103, MCA). This law sets limits on pollution loads in threatened and impaired streams in Montana over the next 10 years. A number of point and nonpoint pollution sources (such as sewer and septic systems, agriculture, mining, and others) will likely be affected by the TMDL law, but only where threatened and impaired streams are concerned.

Many counties and communities enforce their own laws and policies aimed at specific concerns. For example, Missoula County adopted subdivision regulations specifically for riparian areas. Ravalli, Flathead, and Gallatin counties all require building setbacks from perennial streams. Many city and county Master Plans and zoning codes also address building setbacks, waste disposal, and aesthetics within stream corridors (see Appendix 2).

Voluntary efforts and incentive programs are becoming a popular alternative to laws and regulations. Recently, a number of local watershed groups, coalitions, and task forces have formed to address local issues such as water quality and quantity, sedimentation, flood control, weed control, land-use conflicts, stream restoration, and

fisheries enhancement. Many people expect these groups to be instrumental in accomplishing the goals of the TMDL law. These efforts have also successfully provided local forums for diverse interests to explore various sides of an issue and solve problems through voluntary agreements. Still, many people would like to see more technical and financial resources made available.

A number of federal, state, and private education and incentive programs exist in Montana that provide information on—and in some cases funding for—stream corridor management and restoration. These efforts include educational information and programs on watersheds and land management offered by the Montana Watercourse, Montana State University Extension (MSU), conservation districts, U.S. Natural Resources Conservation Service; habitat restoration funds and assistance offered through the federal Partners for Wildlife Program, the state Future Fisheries program, the state/federal Wildlife Habitat Incentives Program, and MSU Extension Forestry Stewardship program; and programs limiting some kinds of land uses through conservation easements, primarily with the Montana Land Reliance and The Nature Conservancy. These programs offer support to many local watershed group efforts and represent a significant, but currently limited, piece of the stream corridor management framework.

Finally, a few state committees and task forces are addressing specific issues related to stream corridor management, such as threatened fish species and agency coordination. The Watershed Coordinating Council, for example, is a group of agencies meeting to discuss how best to coordinate their programs. The council also helps direct resources to local watershed groups.

Other groups include the Water Policy Committee and Bulltrout Task Force. Again, these efforts offer tools or vehicles for addressing pieces of the stream corridor management issue, but there is no comprehensive program or policy at this time.

Need for a More Comprehensive Effort

Despite these laws and programs—and notable successes protecting stream resources within the streams themselves—management beyond the high water mark is piecemeal. When people build near streams, their choice of sites is regulated mostly through state-mandated septic and floodplain development permits, with a few local exceptions in counties or cities that enforce stricter development controls. Floodplain development permits (76-5-101, MCA) are required for new construction within designated 100-year floodplain areas, not to manage or protect the resource but to reduce damage to structures and people. Habitat alteration and removal related to development is generally not regulated.

In short, the existing framework of laws and programs is not comprehensive. Most efforts target pieces of stream corridors rather than the resource as a whole. It is then difficult to coordinate the many levels of management and enforcement. Some damaging practices continue and some resources remain vulnerable despite well-intentioned regulations and voluntary efforts. Over-arching laws such as the National Wild and Scenic Rivers Act apply only to a handful of streams in Montana. Many noteworthy stream corridors, such as the Yellowstone (the longest undammed river in the Lower Forty-eight), Smith, Gallatin, Madison, Jefferson, Bitterroot, and Yaak, remain relatively unfettered—and unprotected—by laws or programs. As

development in stream corridors continues, these gaps in the management framework will likely become more pronounced.

Findings

Common Interests

Several general areas of agreement arose from the interviews. One is the common recognition among interviewees of the multiple values of stream corridors in Montana for such things as wildlife, floodplain protection, water quality, fisheries, scenic values, stream flows, groundwater supplies, and recreational use. Many people commented on the important role stream corridors play as part of what defines the "Montana experience," whether it's fly-fishing, relaxing at a second home, backpacking, or enjoying a scenic drive. There was also general support for local voluntary management efforts. This support stems partly from the success of those groups in bringing together people with diverse interests to talk and solve problems. People also supported incentives and programs to assist these local efforts. A number of people said that polarization and distrust among interest groups is hampering efforts to address stream corridor management at the state level.

A common thread of discussion was concern for the decline of family farms and the ripple effect on the health of stream corridors and access to them. Good farmland is being sold off and subdivided, many said, and the new owners may not know how best to care for it. Too often, stream corridors suffer because these are the most desirable home sites. Many people felt that most farm and ranch families have been good stewards of stream corridors and have supported public access. People said

that education and peer pressure are helping to spread knowledge of best management practices. Most agreed that even small, inexpensive management changes could make a significant difference, and it is important to continue with educational or other efforts.

Finally, most interviewees generally disliked the practice of reimbursing the costs of flood damage for those who build in floodplains.

Comments on the Condition and Management of Stream Corridors

Most people interviewed think the condition of stream corridors in Montana varies among streams—some being more severely affected than others. Most believe that general stream corridor conditions are deteriorating, and they expect degradation to continue if existing management is not improved.

When people talked about stream corridor degradation, they mentioned different indicators. In other words, different people focused on different characteristics of stream corridors. Specific concerns cited included water quality, fish and wildlife habitat, riparian vegetation, land values, aesthetics, floodplain integrity, economic opportunities, quality of river experience, Montana's heritage, and productive agricultural land. People concerned about these values predict an increase in growth and development in Montana, along with increases in stream corridor impacts from cumulative effects, increases in numbers of river users and user conflicts, and a widening polarization of interest groups. They also expect fewer opportunities to secure public access to streams.

A few people said that the condition of Montana stream corridors appears to range

from “okay” to “improved.” They expect to see improvements in stream corridor condition due to local voluntary efforts and the existing management framework. They feel that further participation on this or similar issues will compromise an acceptable status quo and gain them little.

Most people said that stream corridor management is insufficient—ranging from “mixed” to “abysmal.” Some interviewees said that the existing regulations are inadequate. For example, people mentioned that Montana’s existing regulations provide better protection within streams than many states, but protection beyond the high watermark is weak, despite some success stories. Some people said local governments need more flexibility to address stream corridor management issues, especially development. Many people noted that existing regulations do not address habitat alteration or removal of riparian vegetation. Many people expect the new TMDL law to address some stream corridor issues but not others (such as development) and see it as reactive because it addresses only impaired waters. They would like a more proactive approach. Others note the lack of an overall policy or strategy for stream corridor management.

Some interviewees said that the current stream corridor management framework is adequate—existing regulations and programs just need to be more fully used, implemented, funded, and enforced. They said that the right actions are being carried out at the local level by watershed groups and with voluntary best management practices.

Some people said that stream corridor management could be better coordinated. When agency responsibilities—agendas, duties, and focus—are fragmented, that leads to fragmented action on stream

management. A few people said that laws are selectively enforced, sometimes more stringently for mining and forestry than for other groups that impact stream corridors.

Other Issues and Concerns

During the interviews, residential and commercial development was the most commonly cited threat to stream corridors in Montana. This appears to be because of the permanence of development, the speed at which it is occurring in Montana, and the general lack of regulations addressing it. The next two most common concerns were agricultural activities and recreation. Other issues were considered of lesser concern, either because some positive management steps are happening (such as addressing forest practices with the Streamside Management Zone Law) and/or because the issue is more localized (such as mining and point sources of pollution).

Major issues mentioned by the interviewees are (most commonly cited issues first):

- 1) development
- 2) agriculture
- 3) recreation
- 4) private property rights
- 5) forestry
- 6) mining
- 7) cumulative effects
- 8) vision/definition of stream corridors

Other issues mentioned less often included economic cost of degradation, point sources of pollution, lack of patience with local voluntary efforts, effects of potential lawsuits if the state does not adequately address pollution control, selective enforcement of laws, economic burden of regulations, differences between eastern and western Montana, weed control and responsibility for it, uncertainty of water rights, and dam issues.

Development

Development along stream corridors is a top issue for most of the people interviewed. By development, people generally mean buildings and their associated infrastructure (roads, utilities, services, and septic systems). People see this as primarily a western Montana issue, but also applicable to certain growth areas in central and eastern Montana. The two main concerns under this heading are loss of floodplain integrity due to floodplain encroachment and the removal and alteration of riparian habitat. These were both seen as critical issues for healthy, functioning stream ecosystems. More specifically, impacts of development included (most commonly cited concerns first):

- Channelization and construction in floodplains. This decreases the ability of the floodplain to disperse the force of streamflows during floods, to recharge local aquifers, and to buffer flood size and frequency. Many examples were cited of great effort and money going into rip-rap, rock, and dikes to channel streams away from property—only to see it all washed away in subsequent floods. People saw a need for residents to accept that flooding is part of any river's cycle.
- Alteration and removal of riparian vegetation. This can increase erosion, runoff, and water temperature, and degrade fish and wildlife habitat and land values. Several people also mentioned the specific concern that the population of cottonwood trees in Montana is declining because their regeneration is hampered by flood management (they need annually flooded areas) and also by destruction from grazing and logging.

- Degradation of water quality. This can occur when development activities introduce sediment, chemicals, nutrients, and other pollutants into streams. Some interviewees were concerned that the current health setback regulations for septic systems do not adequately address this degradation.
- Reduction in the aesthetic quality of rivers due to overbuilding along streams.
- Degradation of wetlands from filling and alteration.
- Blocking fish passage due to road building.

Other areas of general concern included (in no particular order):

- Landowners of small (less than 40 acre) parcels. The concern is that many of these landowners are unaware of or do not use best land management practices and thus have a relatively significant impact on stream corridors.
- Loss of access. Some people are concerned that local residents who traditionally used certain stream access sites are now being denied access by new, often out-of-state, landowners. They are concerned that the tension between these groups is spilling over into other stream and land-use related issues. Also, as these lands increase in value, it is increasingly difficult to purchase public access.
- Loss of farms and ranches to development. Many people value agricultural land as open space and think that land managed for agriculture

is better for stream corridors than land irreversibly covered by houses. There is also a concern that family farms are not being passed on--the average age of farmers in Montana is close to 60.

- Lack of management and policy coordination. Some people are concerned about a lack of coordination among agency policies and management objectives. Partly this is a frustration with the various permitting processes and partly a concern about lack of a unified policy to best address stream ecology principles.
- Loss of community. People are concerned about how their communities change with an influx of new residents.
- Loss of public values and increase in public cost. The concern here is for the loss of stream corridor values if stream corridor conditions deteriorate, along with the rise in the public cost of addressing this condition and the potential loss to the Montana economy.

Agricultural activities

Next to development, people were most concerned about agricultural impacts to stream corridors. People often commented that these impacts are potentially reversible, unlike those of development, and that small changes in agricultural practices can make a significant improvement in stream corridor condition. This is seen as a statewide issue, although one that is declining in importance in western Montana. People representing agricultural interests noted that it is in the interest of agricultural operators to manage their land well with voluntary best management practices, given the chance, and to not be forced with the

"club" of legislation. More specific activities of concern included (most commonly cited concerns first):

- Grazing--the movement of animals in and along streams, removal or alteration of plants and foliage by animals, and their deposition of manure. Impacts of concern were erosion and resulting sedimentation, trampled or removed plants, water quality degradation, and fish and wildlife habitat degradation.
- Irrigation diversion and dewatering. People were concerned that diverting water from streams decreases instream flow and aquatic habitat quality. This affects life cycles of animals depending on seasonal flows and increases water temperature. It can change the mix of plants and animals that live in riparian areas. Stream structure and floodplain integrity can also be affected. People see this as largely an issue in southwest and eastern Montana.
- Application of fertilizers and pesticides. Some people are concerned about the potential for increased chemical runoff into streams.
- General conversion of riparian habitat to crop or pasture land.

Other areas of general concern included:

- Lack of regulation for agricultural-related activities that affect stream corridors. Some cited the 1994 study by the Department of Environmental Quality that listed agriculture as the leading source of water quality impairment in Montana streams. They were concerned that the only "regulation" of agricultural activities occurs from limited (but many felt

increasing) use of voluntary best management practices. Some expect that the TMDL law will help address this issue.

- Saline seeps. Converting native vegetation to land uses less efficient in using water can expose these seeps, which when eroded contribute extremely high levels of salts into streams. This problem is most notably a concern on Montana's northern plains.

Recreation

Recreation was the third most commonly cited stream corridor management issue, especially among federal agency and recreation groups. Specific concerns are listed below (most commonly cited first):

- Access. Some people are concerned about maintaining public access to rivers and streams, especially the smaller perennial streams. They note that the value of land along stream corridors is rising, while state funds to purchase access or easements is declining. There is also fear that outfitters will further limit opportunities to secure public access to streams by purchasing stream access for their clients and excluding public users.
- Increase in numbers and in conflicts between users. Concern was expressed over the increasing number and type of river users (fishers, floaters, jet skiers, motor boaters, etc.) and the need to develop processes to address river use conflicts.
- Respect for land and landowners. Some people cited a growing lack of respect by an increasing number of river users for the land and landowners they pass.

Concerns included littering, removal or defacing structures, disregard of trespass laws, and threats to landowners.

- Impact of river users. Some mentioned that users themselves have a direct impact to streambanks and vegetation from trampling.

Private property rights

Several interviewees, primarily representatives of agriculture, industry, and development groups, voiced concern for protecting private property rights. Their opinions varied about what private landowners should or shouldn't be allowed to do. Some are concerned about governmental "taking" of property and the burden of additional regulations that may drive them out of business. They note that statewide government regulations do not necessarily fit local situations or determine what is best for land management.

Forest practices

People commented that forest practices are, to some extent, being controlled by best management practices under the Streamside Management Zone Law (77-5-301, MCA). While there was some disagreement as to how effective these efforts currently are, they were recognized as a positive step. This issue was generally of lesser concern than development, agriculture, or recreation. Other specific comments included the following (most commonly cited first):

- Erosion and vegetation removal. Concern is for stream sedimentation and for stream and riparian habitat alteration during timber harvesting. Some were specifically concerned about loss of cottonwood trees.

- Forest landowners of small (10- to 20-acre), private woodlots. Some people said that these small woodlot owners do not regularly practice the standard BMPs, either because they are exempt from or unaware of them.
- Peak stream flow changes. Some people worried that certain forest practices may affect peak stream flow changes. When land is extensively cleared, the intensity and duration of runoff changes, causing the stream to restructure itself. Erosion may also increase.

Mining

A few people discussed concerns about the impacts of mining on stream corridors. These concerns focus primarily on water quality issues, but also include habitat degradation. They commented that the impacts are particularly localized (yet potentially severe) compared with other issues of concern. Abandoned mines, mainly a western Montana issue, are still a major clean-up problem.

Cumulative effects

A few interviewees worried that the cumulative effects of all these different impacts are not being assessed. It is also recognized that these are hard to measure and to attribute to any particular source.

Vision/Definition of stream corridors

A few interviewees were also concerned that the general public does not understand the extent of the area that really defines stream corridors and the importance of that area to water quality and stream processes. They explained that underground water resources could connect to surface water resources over great distances—a connection essential to riverine processes. They see the

need for people to think of rivers and watersheds as lifelines, arteries for our natural system, and to consider a public and statewide vision of watershed management.

Ways to Improve Existing Management Framework

The two solutions most often given to help address the stream corridor management situation were more education and more regulations. These and other solutions are listed below (most commonly cited first):

- 1) More education
- 2) More regulations
- 3) More incentives
- 4) Increased support for local voluntary efforts
- 5) Better management coordination
- 6) Better enforcement of existing regulations with stiffer penalties

Other suggestions offered by more than one interviewee included more monitoring; more restoration efforts; better science; an inventory of federal, state, and private stream corridor management programs and policies, and promotion of the successes; broader use of best management practices; more proactive policies for identifying and maintaining healthy (and native) stream communities; more public involvement; updating of county floodplain maps and full flood hazard disclosure to buyers; better communication among groups; establishment of local voluntary agricultural districts; and increased use of river system programs, such as the Wild and Scenic Rivers program.

Education

Providing more education was a top suggestion among most interviewees. They suggest education to the public on stream

functions and values, on a broad watershed-based definition of stream corridors, on best management practices, and on local management regulations. Some people also said the public should be better informed on the benefits of good agricultural practices as a land management tool. Other education targets for this information included stakeholders in the issue, managers and decision makers, and agricultural operators. People commented that relatively small and inexpensive efforts could make a big difference in stream corridor improvement efforts because of the resiliency of riparian areas.

Many interviewees said that people want to “do right” if they know what to do and if actions are not too expensive. Positive education efforts by groups such as conservation districts, U.S. Natural Resources Conservation Service, the Montana Watercourse, and Montana State University Extension, agencies, and the state university system were recognized but deemed not enough. People also recognized the difficulty in getting people to have the time or interest to be educated—a major stumbling block. Relying on trusted local people or peers to deliver the education was considered more effective than education from government. People generally believe it is important to offer incentives hand-in-hand with education.

Regulations

Many interviewees, especially representatives of local government and conservation, recreation, and watershed groups, believe more regulations are needed to address stream corridor management in Montana, in particular regulations to setback development from streams. Many local government representatives see a need for the state to give them more flexibility in creating local

option regulations, primarily to address development issues. Other less common suggestions included stronger regulations for agricultural activities, statewide stream protection legislation or policy, a bill to address river conflicts, and expansion of the 310 permit beyond the high water mark. Most people suggesting regulations did so from the perspective of generating an ideal solution. Few thought it possible to pass any of these regulations in the near future.

Incentives

Increasing incentives for better land management along stream corridors was also a popular suggestion among interviewees. This included support for and expansion of existing programs, as well as development of new programs. Developing more incentives may or may not require legislative solutions. Some of the kinds of incentives suggested included:

- Development/expansion of incentive programs to restore and protect stream corridors. These programs would offer more financial and technical assistance to landowners for good land management, either expanding, coordinating, or modeling existing programs such as the U.S. Fish and Wildlife Service's Partners in Wildlife program, Montana Department of Fish, Wildlife and Park's Future Fisheries program, Montana State University Extension's Forestry Stewardship program, or the collaborative Wildlife Habitat Incentives Program.
- Increased use of conservation easements for stream corridors through both private and public sources.
- Increased tax breaks for landowners that protect stream corridor land.

- Increased financial incentives to buy high priority habitat, development rights, or access.
- Development of disincentives for construction in floodplains. Many interviewees disapproved of reimbursing homeowners who build in floodplains for flood damage.
- Increased incentives for efficient use of water and return flows.

Support for local voluntary efforts

Many people suggested increasing financial and technical support for the local voluntary efforts that are addressing stream corridor issues. People offering this suggestion see more hope for positive results from local voluntary efforts than with statewide efforts. Some suggested establishing a coordinator (preferably a non-agency person) to support these groups with facilitation help, information on federal and state incentive and education programs, and grant opportunities.

Better management coordination

Several interviewees among different groups see a need for agencies to develop a more coordinated approach to watershed management, particularly with their policies, management objectives, and permitting processes.

Better enforcement of existing regulations and stiffer penalties

A few interviewees said there was a need for better enforcement of existing laws addressing stream corridor management and stronger penalties for violating those laws.

Options on How to Proceed

Constraints to Consensus

When the Montana Consensus Council conducts a situation assessment, one of the purposes is to determine whether a *consensus-building process* would be an appropriate way to resolve the issues at hand.

In a consensus process, *all* affected interests must be represented at the table. The participants (rather than some other authority) design the process and determine the scope of the discussion. They then jointly work toward an agreement that they all can live with.

Despite some interest in building consensus on stream corridor issues, we believe that *a statewide consensus process is not appropriate at this time* for three reasons.

First, not everyone interested in stream corridors thinks that building consensus is possible, or that it would best meet their interests. Some people want to maintain the status quo on stream corridor management and do not feel that they currently have a reason to come to the table. Others think people are too polarized on the issue to conduct a successful consensus process. Some fear that too much would be compromised in such a process. Many were concerned that the language of any agreements reached would be altered or added on to if the legislative process was required to implement the agreements. Other constraints included finding the time and money to participate in the process, concern about allotting time among other processes, and skepticism about reaching good solutions and people participating in good faith.

In general, interviewees from state agencies, the legislature, and conservation and recreation groups had mixed opinions on whether a statewide consensus process would be helpful. Most local government people were supportive of the idea. Federal agencies and watershed, developer, and industry groups were generally against convening a statewide consensus process to address this issue at this time. Many agriculture representatives thought a statewide forum might be helpful if it addressed ways to increase voluntary incentives for good land management or to support local voluntary efforts.

Second, people do not agree on the scope of issues to be addressed. Most people favored focusing on local watershed group efforts. Other people, however, want to focus on the recreation conflict issue, floodplain encroachment, setbacks and development, and more discussion on how stream corridor issues can mesh with existing initiatives.

Third, while some people feel an urgent need to address stream corridor issues as soon as possible, others see no need at all. Those wanting timely action see Montana at a critical decision point. They predict that without more attention to stream corridor management now, future growth will significantly compound existing problems with significant accompanying public cost. A few would like to see something start before the next legislative session. Others take a slower, long-term perspective to action or see no need for action. Some see the timeframe for action tied to the TMDL effort and any resulting court battles if the TMDL goals are not achieved in 10 years.

Even though many people do not favor a statewide consensus process at this time, most endorsed consensus processes in general. They saw value in bringing

together people who hold different views to talk and build understanding. They also want to reduce the distrust and hard feelings that occur when the legislative climate changes and laws are changed.

Given this situation, a consensus-building approach might become useful at some later date. It may also be possible to use a consensus process to work on specific issues within the larger stream corridor picture, or to convene smaller, locally focused consensus-building forums.

Options for Moving Forward

Based on the information in this situation assessment, and on the Consensus Council's experience with such situations, we suggest three options for how to proceed.

(1) Rely on Existing Voluntary, Incentive-based Efforts.

Interested people and organizations could focus their energy and funding on existing stream corridor programs. Groups such as the Montana Association of Conservation Districts and the Montana Watershed Coordinating Council have already undertaken such work. Such groups could continue their efforts, convening interested people to:

- Identify ways to support and expand existing educational efforts.
- Identify ways to support and expand existing incentives for best management practices and appropriate land-use choices in stream corridors.
- Encourage local watershed groups to increase their efforts on land-use issues affecting stream corridors.

- Better coordinate existing management policies and activities on stream corridors.
- Hold an open house on stream corridor issues.

(2) Seek New Partnerships.

Many people said they would welcome an opportunity to work collaboratively with others to build a common understanding of the issues. Such a forum would encourage an exchange of information, joint fact-finding, and clarification of the issues.

A facilitator (the Montana Consensus Council or other impartial practitioner) could convene a one-day workshop with the stakeholders identified in the legislators' letter (see Appendix 1) and other interested people. The purpose would be to create an agenda for improving the situation regarding stream corridors.

The goals of the workshop could include:

- Identifying needs and opportunities, such as research on stream corridor legislation and programs in other states; ways to finance conservation easements; and other ways to protect stream corridors.
- Developing a set of indicators for assessing and monitoring stream corridor conditions.
- Creating partnerships among people and organizations and develop work plans to accomplish specific tasks.
- Developing an action plan, including roles and responsibilities, a time line or schedule, and a list of desired work products.

(3) Develop Legislative Proposals.

A bipartisan group of legislators (such as those who signed the letter shown in Appendix 1) could meet to review the findings of this situation assessment and explore the need for legislation on certain stream corridor issues. Some possible points of discussion could include:

- A state policy on stream corridor management. Start by defining "stream corridor."
- A framework for resolving disputes among river users.
- Revised floodplain management criteria, which could be expanded to include consideration of impacts to the natural environment.
- How the legislature can support other stream management tools, such as conservation easements, tax incentives, and existing laws by revising statutes, drafting new bills, and re-allocating funding.

Finally, the options for moving forward are not limited to this list. Other forums or activities that encourage thoughtful discussion may be helpful. Also, the options listed here are not mutually exclusive – in fact, all three could be pursued at the same time.

Request for Comments

The Montana Consensus Council has agreed to take a round of comments on this assessment. We will then issue a final memorandum summarizing the responses.

We would also appreciate the opportunity to meet with any interested groups, such as

legislators, agencies and organizations with stream corridor interests, and coordinating councils.

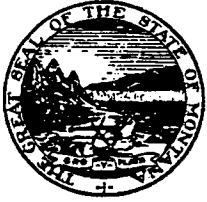
Please consider the following questions:

- Should some form of group be convened to discuss stream corridor issues? Would one of the above options work?
- If so, how should it be structured? Would you be interested in participating?

Please reply no later than 5 p.m. on Friday, August 7, 1998. Contact Matthew McKinney at:

The Montana Consensus Council
Room 219, State Capitol
Helena, MT 59620-0801

Phone: (406) 444-2075
E-mail: mmckinney@mt.gov



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

April 4, 1997

Matthew McKinney
Director
Montana Consensus Council
Office of the Governor
State Capitol
Helena, MT 59620

Dear Mr. McKinney:

As you are aware, development pressure in Montana, particularly along stream corridors, is increasing. Streams corridors play a vital role in protecting water quality, wildlife habitat, agricultural open space, and aesthetic values in Montana. During the past three years, the issue of how to manage stream corridors to protect private property rights and public values has become a controversial issue in several counties throughout Montana.

In light of this trend, and given your reputation as an impartial organization, we would like to ask the Montana Consensus Council to assess this situation by consulting with property owners; developers; local, state, and federal government representatives; conservation districts; conservation and recreation groups; and other concerned citizens and leaders.

The purpose of the assessment would be to:

- Identify the people, organizations, and communities concerned with stream corridor management in Montana;
- Provide an opportunity for these people to express their opinions and to identify specific issues that they feel need to be addressed;
- Provide an opportunity for these people to learn more about the needs and interests of other people;
- Examine how the issues related to stream corridor management are currently being addressed and will most likely be addressed in the immediate future;
- Determine the satisfaction of people in Montana with the likely outcomes of the current procedures being used to address the issues related to stream corridor management;

Appendix 2. This summary matrix of main issues, the existing management framework, and suggestions for improvement is based on interviews with 80 Montanans about the status of stream corridors in Montana. The purpose of the matrix is to summarize the main issues of concern that surfaced in the interviews, along with the current management framework related to those concerns and suggestions interviewees had for ways to improve stream corridor management.

Issues/Concerns	Main Management Framework	Interviewee Suggestions for Improvement
<p>Development Issues</p> <p>Construction and channelization in floodplains</p>	<p>Laws:</p> <p>Federal Clean Water Act (fill discharge, point/nonpoint pollution)</p> <p>Federal Rivers and Harbors Act (dredging in navigable waters)</p> <p>MT Water Quality Act (point/stormwater discharges)</p> <p>MT Stream Protection Act (work in streams)</p> <p>MT Natural Streambed and Land Preservation Act (work in streams)</p> <p>MT Floodplain and Floodway Management Act (filling)</p> <p>MT Subdivision and Platting Act (water supply, sewage)</p> <p>Protection policies for public lands (wilderness, refuge, etc.)</p> <p>Some local government subdivision regulations, Master Plans, and ordinances</p> <p>Incentive and education programs such as:</p> <p>Conservation easement, MT Future Fisheries and wildlife habitat protection, USFWS Partners in Wildlife Program, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension, University outreach, and conservation district/NRCS programs</p> <p>Forums:</p> <p>Governor's Task Force on Upper Yellowstone River</p> <p>Environmental Quality Committee (growth management)</p> <p>Local watershed groups</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, acquisition and education programs; create disincentives for floodplain construction • Develop/expand regulations to protect floodplains, esp. the 310 permit and setbacks for development • Support better enforcement of existing laws • Increase coordination on management efforts, monitoring, river system protection • Update county floodplain maps; provide full hazard disclosure • Support local watershed groups • Increase local government flexibility for local option regulations • Inventory success stories/programs and promote successes
<p>Alteration and removal of riparian vegetation</p>	<p>Laws:</p> <p>Federal National Forest Management Act (forest practices)</p> <p>MT Streamside Management Zone Law (forest practices)</p> <p>MT Open Space and Voluntary Conservation Easement Act</p> <p>Northwest Power Planning and Conservation Act (limited Columbia River Basin streams)</p> <p>National Wild and Scenic Rivers Act (designated streams)</p> <p>Protection policies for public lands (wilderness, refuge, etc.)</p> <p>Some local government subdivision regulations, Master Plans, and ordinances</p>	<ul style="list-style-type: none"> • Develop/expand/finance/coordinate incentive, acquisition, restoration and education programs • Develop/expand policies and regulations to proactively protect riparian vegetation • Support better enforcement of existing laws, monitoring, river system protection and local watershed groups • Inventory success stories/programs and

	<p>Incentive, acquisition, and education programs such as: conservation easement, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension (including Forestry Stewardship program), University outreach, state wildlife habitat protection, and conservation district/NRCS programs</p> <p>Forums: Local watershed groups Bull trout/Westslope Cutthroat forums</p>	<p>promote successes</p> <ul style="list-style-type: none"> • Increase local government flexibility for local option regulations
<p>Water quality degradation</p>	<p>Laws: Federal Clean Water Act (point/nonpoint discharges) National Environmental Policy Act (large project impacts) Federal Solid Waste Disposal Act Federal Comprehensive Environmental Response, Compensation, and Liability Act (hazardous waste, superfund) Federal Rivers and Harbors Act (work in navigable waters) MT Water Quality Act (WQ standards, point discharges) MT Environmental Policy Act (large project impacts) MT Facility Siting Act MT Stream Protection Act (work in streams) MT Natural Streambed and Land Preservation Act (work in streams) MT Strip and Underground Mine Reclamation Act MT mining reclamation statutes MT Subdivision and Platting Act MT Megalandfill Siting Act MT Solid Waste Management Act MT Hazardous Waste Act MT Hazardous and Underground Storage Act MT TMDL Bill (threatened and impaired streams) MT Open Space and Voluntary Conservation Easement Act Protection policies for public lands (wilderness, refuge, etc.) Some local government subdivision regulations, Master Plans, and ordinances</p> <p>Incentive, acquisition, and education programs such as: conservation easement, USFWS Partners in Wildlife, MT Future</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, education and local watershed group programs • Develop/expand regulations to protect water quality • Support better enforcement of existing laws, monitoring, river system protection and local watershed groups • Increase coordination of management efforts • Inventory success stories/programs and promote successes • Increase local government flexibility for local option regulations

	<p>Fisheries and wildlife habitat protection, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension, University outreach, and conservation district/NRCS programs</p> <p>Forums:</p> <p>Water Policy Committee</p> <p>Watershed Coordinating Council</p> <p>Environmental Quality Committee (growth management)</p> <p>Bull Trout/Westslope Cutthroat forums</p> <p>Local watershed groups</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, education and acquisition programs • Develop/expand regulations to setback development from streams • Inventory success stories/programs and promote successes
Reduction in aesthetic values along streams	<p>Laws:</p> <p>MT Open Space and Voluntary Conservation Easement Act</p> <p>Protection policies for public lands (wilderness, refuge, etc.)</p> <p>Some local government subdivision regulations, Master Plans, and ordinances</p> <p>Incentive, acquisition and education programs such as:</p> <p>Conservation easement, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension, state wildlife habitat protection, and conservation district/NRCS programs</p> <p>Forums:</p> <p>Local watershed groups</p>	
Agriculture Issues		
Grazing (Concerns with habitat and water quality degradation)	<p>Laws:</p> <p>Federal Clean Water Act (nonpoint discharges)</p> <p>Federal Land Policy and Management Act (BLM grazing)</p> <p>National Forest Management Act</p> <p>MT TMDL Bill (threatened and impaired streams)</p> <p>Incentive and education programs such as:</p> <p>Conservation district/NRCS, MSU Extension, University outreach, conservation easement, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, voluntary best management practices programs</p> <p>Forums:</p> <p>Local watershed groups</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, education and local watershed group programs, including education on ag. practices as a management tool • Increase knowledge and use of best management practices • Develop/expand regulations to address grazing • Support better monitoring and river system protection • Inventory success stories/programs and promote successes • Increase use of local voluntary ag. districts

Irrigation diversion and dewatering	<p>Laws: MT Water Use Act (water allocation) Temporary water right change for instream flow (MCA § 85-2-408) MT Natural Streambed and Land Preservation Act (work in streams)</p> <p>Incentive and education programs such as: Conservation district/NRCS, MSU Extension, University outreach, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, voluntary best management practices programs</p> <p>Forums: Local watershed groups Bulltrout/Westslope Cutthroat forums</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, education and local watershed programs and use of best management practices for water use and maintenance of instream flows • Promote policies to maintain native stream communities • Support better monitoring and river system protection • Inventory success stories/programs and promote successes
Loss of farms and ranches to development	<p>Laws: MT Open Space and Voluntary Conservation Easement Act</p> <p>Incentive, acquisition and education programs such as: Conservation easement, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension, state wildlife habitat protection, and conservation district/NRCS programs</p> <p>Forums: MT Consensus Council policy dialogue on rural landscapes, family farms and ranches Environmental Policy Committee (growth management)</p>	<ul style="list-style-type: none"> • Develop/expand/finance incentive, acquisition and education programs, including conservation easements and Farm Bill incentives • Support better monitoring and river system protection • Inventory success stories/programs and promote successes
Recreation Issues		
Loss of access to rivers and streams	<p>Laws: MT Fish, Wildlife and Parks authority to acquire access sites MT Stream Access Bill</p> <p>Incentive and acquisition programs such as: Conservation easement programs</p> <p>Forums: Local watershed groups</p>	<ul style="list-style-type: none"> • Finance acquisition of public access sites • Promote local watershed and education programs • Support better monitoring and river system protection
Increase in river users and conflicts	<p>Laws: Smith River Management Act (recreation use limits) MT Fish, Wildlife and Parks authority to set tackle restrictions</p>	<ul style="list-style-type: none"> • Develop programs/regulations to address and resolve river use conflicts • Promote local watershed/education programs • Support better monitoring and protection

Loss of respect for land and landowners	<p>Forestry Issues</p> <p>Forums: Local watershed groups</p> <p>Laws: National Forest Management Act Federal Clean Water Act (nonpoint discharges) MT Water Quality Act MT Streamside Management Zone Law (forest practices) MT TMDL Bill (threatened and impaired streams) MT Natural Streambed and Land Preservation Act Incentive, acquisition, and education programs such as: Conservation easement, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, Montana Watercourse, MSU Extension (including Forest Stewardship program), University outreach, state wildlife habitat protection, and conservation district/NRCS programs</p> <p>Forums: Local watershed groups Bulltrout/Westslope Cuthroat forums</p>	<ul style="list-style-type: none"> Promote local watershed and education programs Develop/expand/finance incentive and education programs, including education to small woodlot owners Support local watershed groups Inventory success stories/programs and promote successes Balance enforcement of existing laws
Mining Issues	<p>Laws: Federal Clean Water Act (point/nonpoint discharges) National Environmental Policy Act (large project impacts) Federal Comprehensive, Environmental Response, Compensation, and Liability Act (superfund) MT Water Quality Act (WQ standards, point discharges) MT Environmental Policy Act (large project impacts) MT Facility Siting Act MT Strip and Underground Mine Reclamation Act MT mining reclamation statutes MT TMDL Bill (threatened and impaired streams)</p> <p>Forums: Local watershed groups</p>	<ul style="list-style-type: none"> Develop better methods to address abandoned mine clean up, monitoring Promote the use of better management practices Support river system protection Inventory success stories/programs and promote successes Balance enforcement of existing laws
Cumulative Effects	<p>Laws Federal Clean Water Act (TMDL mandate) MT TMDL Bill (threatened and impaired streams)</p> <p>Forums: Local watershed groups</p>	<ul style="list-style-type: none"> Develop policies, programs, regulations to address impact of cumulative effects--esp. on non-impaired streams Develop/expand/finance incentive and education programs

		<ul style="list-style-type: none"> • Support local watershed groups , better monitoring, river system protection
General Issues		
Protection of private property rights	<p>Incentive and education programs such as: conservation district/NRCS, MSU Extension, University outreach, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program, voluntary best management practices programs</p> <p>Forums: Local watershed groups</p>	<ul style="list-style-type: none"> • Develop/expand incentive, acquisition and education programs and local voluntary efforts, including better landowner tax breaks
Lack of management/policy coordination	<p>Forums: Watershed Coordinating Council Water Policy Committee Local watershed groups</p>	<ul style="list-style-type: none"> • Coordinate/expand incentive programs to address stream corridor management • Expand education to managers/decision-makers on issues and available programs and to public on local regulations • Develop a statewide policy on stream corridor management • Simplify, coordinate agency permitting and policies • Support river system protection and local watershed groups • Inventory policies/programs in other states
Vision/definition of stream corridors	<p>Incentive and education programs such as: conservation district/NRCS, MSU Extension, University outreach, USFWS Partners in Wildlife, Wildlife Habitat Incentives Program</p> <p>Forums: Watershed Coordinating Council Local watershed programs</p>	<ul style="list-style-type: none"> • Develop a statewide policy on stream corridor management • Develop/expand/finance incentive and education programs, including education to managers/decision-makers on issues and available programs and to public on local regulations • Support local watershed groups, better science and management coordination