



AMERICAN FISHERIES SOCIETY MONTANA CHAPTER

1716 West Main St.
Bozeman, MT 59715

March 26, 2007

Kim Gillan
Local Government Committee Chair
Montana Senate
PO Box 200500
Helena, MT 59620-0500

Dear Ms. Gillan,

The Montana Chapter of the American Fisheries Society (MCAFS) appreciates the opportunity to comment on SB345 to create a state-wide setback requirement for all new construction along Montana Tier I streams. The American Fisheries Society is the oldest professional society in North America dealing with the natural resources, was organized in 1870. The MCAFS was chartered in 1967 soon after Chapters were recognized in 1962. Among its objectives are conservation, development and wise utilization of the fisheries, promotion of the educational, scientific and technological development and advancement of all branches of fisheries science and practice, and exchange and dissemination of knowledge about fish, fisheries and related subject. The MCAFS is an organization of professional fisheries scientists and students from multiple agencies, universities, and the private sector across Montana. MCAFS has several comments regarding the potential impacts of this bill on Montana's fisheries.

Review of SB345 indicates that this bill would provide widespread protection for the riparian buffer on Montana's Tier I streams. Many studies have shown that protecting the integrity of the area immediately adjacent to streams and other waterbodies reduces sediment input, maintains shading, and prevents degradation of the stream banks that can lead to overwidening and degradation of the stream itself. Native streamside vegetation protects the stream in two ways. Above ground, vegetation acts as a filter, trapping sediments and pollutants before they reach the stream, and below ground, the roots hold the streambank in place against the forces of erosion during floods. Less sediment and pollutants translates into better water quality, and intact streambanks preserve in-stream habitat for fish and other aquatic organisms. Therefore, by maintaining the native vegetation along streams, SB345 will protect several aspects of the integrity of in-stream habitat and would be extremely beneficial to all aquatic life including Montana's fishery.

Preserving the area along the stream would also remove the impetus for homeowners to rip-rap or modify the banks of a stream to protect their home. Rivers move. This is a fact known to aquatic biologists and to most people who live near or along a stream of any size. However, it

is a fact often ignored by people who want to be able to see the stream from the kitchen window or deck of their dream home. As we have seen repeatedly in Montana and across the nation, building a home in an active floodplain is often a mistake. Once the homeowner realizes the “risk” that they have created, they often move to reduce that risk by armoring the bank with rip-rap or other artificial means. Restricting the movement of a stream in one area usually leads to the stream moving more in another area as it attempts to dissipate the increased energy of the next flood flow. This then pushes the domino effect of bank stabilization up or downstream to the homeowner’s neighbors. Montanans were made painfully aware of this when the Yellowstone flooded two years in a row and many of the bank stabilization projects installed in 1996 redirected floodwaters and damage in 1997. It should be noted that SB345 is a step *forward* in Montana’s protection of our streams and developable land and does not affect already developed lands. The bill also makes allowances for governments and maintains flexibility for current landowners.

It is common sense not to build immediately adjacent to a perennial stream, but the lure of riparian habitat is often felt by humans as well as the many wild creatures who overwhelmingly depend upon it. However, as humans we can recognize that our homes are less integral to riparian function and be content to observe the beauty from a distance when inside, and to perhaps opt to make a pathway down to the stream that will allow us frequent physical and visual access while maintaining the beauty and function of the riparian corridor.

In summary, SB345 would:

- Protect the integrity of streams and reduce the potential for in-stream habitat degradation and pollution from bank damage and resulting increases in delivery of pollutants from streamside activities.
- Protect the investments of people who decide to build near streams by reducing the likelihood of their homes being damaged by uncontrolled floods or redirected floodwaters resulting from bank stabilization undertaken by their neighbors.
- Remove potential land use regulation conflicts as streams meander from one County to another.
- Protect the riparian corridor which is a rich habitat for animals and birds as well as aquatic organisms.
- Preserve the quality and health of the streams that are so important to the character of Montana and to the health of the environment enjoyed by all Montanans.

Because of these reasons and the current increase in development across Montana, MCAFS encourages you to support this bill as written and preserve the remaining riparian corridors for the fish and other aquatic organisms dependent upon them. Thank you for your interest and work toward conserving and improving Montana’s aquatic natural resources.

Sincerely,

Leanne Roulson, President
Montana Chapter of the American Fisheries Society