

CHURCH SLOUGH WORK GROUP

Recommendations and Input on Recreational Boating on Church Slough in Flathead County

Summer/Fall 2022



Overview

Church Slough is an approximately 195-acre waterbody adjacent to the lower Flathead River upstream of Flathead Lake south of Kalispell. The slough offers year-round recreational opportunities for a variety of users, while a seasonal boating closure is in effect from March 1 to April 10 to protect migrating waterfowl. Seasonally, boaters can access Church Slough from the Flathead River and vice versa. Additionally, a county boat access was constructed on the slough in 2010.

In 2011, the Fish and Wildlife Commission (commission) received a petition requesting the initiation of rulemaking to close the entire Church Slough to boating from March 1 to April 10 and to make the slough no-wake from April 11 through Feb. 28 to decrease bank erosion and boating hazards and to put all boaters on an equal basis. The commission adopted the seasonal boating closure in ARM 12.11.2206 to reduce the disturbance to migratory waterfowl. However, the commission determined that restricting use to a no-wake speed was unnecessary for many reasons, including:

- Current use levels did not raise safety concerns.

- There were neither survey data nor anecdotal evidence that described a rate of erosion or accelerated erosion due to boating at a wake speed.

The commission received a new rulemaking petition on October 5, 2021 to limit motorized boating on Church Slough to no-wake speed for the entire year. The petition was submitted by Ben and Maureen Loudon, Melanie Cross, and Andy Hurst on behalf of the Homeowners of Church Slough (HCS) group. The petition was the product of months of community organizing and compromises between landowners and neighbors around Church Slough. The petition states the reasons for the request as:

- protection of public health and safety;
- prevention of shoreline degradation and disruption of river bottom;
- prevention and improvement of the wildlife and fish habitat;
- reduction of the noise level for other uses of the water and residents; and,
- reduction of the amount of chemical toxins released into the water

The HCS approached the Flathead Conservation District (FCD) with a request for design and financial assistance for a large-scale bank stabilization project involving multiple landowners. It was suggested that the HCS contact an engineering firm to assist with the overall design to then be sponsored by FCD as a grant request. The HCS contacted River Design Group (RDG). RDG required a final rule-making decision to continue with the design for bank stabilization. Therefore, the HCS tabled the bank stabilization project until a decision was reached by the commission.

Rather than adopting a no-wake restriction, the commission requested that FWP establish a local working group to produce rule-making recommendations that address recreational boat use on the slough.

Membership

FWP invited applications from the public to serve on the volunteer work group during spring 2022. The 11-member work group was chosen to reflect the diversity of perspectives and values embodied by the users and landowners surrounding Church Slough:

| | | |
|--------------------|-----------------|-----------------|
| Erik Browne | Maureen Loudon | Larry Windnagle |
| Joe Lavadure | Jim Vashro | Sam Stricker |
| Denise VanArtsdale | Rick Fetterhoff | Pam Holmquist |
| Norman Coverdell | Donna Pridmore | |



Timeline & Process

The work group convened twice, August 2nd and 18th. Members of the public were invited to attend.

At the first meeting, the purpose and need for the forming of this group was provided, followed by introductions of group members, public attendees, and FWP advisors. Process overview followed, lining out the meeting purpose, structure, and expectations of attendees.

A discussion of how the group would make decisions was held, with consensus defined as a decision that everyone can live with and support. The group concluded unanimously, after consideration, to adopt a 2/3 majority for approving decisions. With a group of 11, this rounds to requiring 7 members in favor to adopt a decision. Group members also approved the idea of including a “minority report” of dissenting perspectives if ultimate recommendations are not approved unanimously. The group reviewed its charter followed by information sharing by group members, the public, and FWP staff related to bank erosion, fisheries perspectives, observed use from fixed camera stations and users or residents, recreational boat use management and related petitions. Possible boating restrictions were also discussed, with enforcement limitations explained for context.

The work group identified the top issues of concern related to Church Slough recreational boating use:

| Issue | Cause(s) |
|--|---|
| <i>Erosion and habitat degradation</i> | Natural processes (wind) Human-caused (boating, lake level fluctuation, riparian vegetation removal, restrictive rip-rap regulations) |
| <i>Safety</i> | Inconsiderate boaters High volume of boaters Speed of boaters Swimmers Non-motorized users that are difficult to see |
| <i>Overcrowding</i> | Limited access points Limited low-wind areas Desirable warm water Overcrowded access points elsewhere Limited enforcement of overcrowding |
| <i>Loss of quiet/solitude</i> | Motorized use (repetitive at times) |

Final Recommendations

In its second meeting, the work group reviewed its issues and identified management options to consider. Management options generally fell into the categories of watercraft restrictions, wake restrictions, and activity type.

Following discussion of the positives and negatives of each, members voted on the following options:

| Option | Votes |
|------------------------------------|--------------|
| No wake surfing or boarding | 11 |
| No personal watercraft | 8 |
| 200-foot no-wake zone | 7 |
| No-wake zone for the entire slough | 6 |
| No change from existing rule | 4 |
| No towed activities | 3 |
| No wake on certain days | 1 |
| No wake during certain hours | 1 |

Adhering to the group’s defined consensus of 7 or more members in favor to approve a decision (2/3 majority), only three options remained after the initial round of votes. Three novel alternatives were subsequently proposed for a vote, consisting of combinations of the successful options from round one.

Alternatives and results are below:

| Options | Votes |
|------------------------------|--------------|
| <i>Alternative 1:</i> | |
| No wake surfing or boarding | 4 |
| No PWC | |
| 200' no wake | |
| <i>Alternative 2:</i> | |
| No wake surfing or boarding | 4 |
| 200' no wake | |
| <i>Alternative 3:</i> | |
| No wake surfing or boarding | 10 |
| PWC operate at no wake speed | |
| 200-foot no wake | |

The group agreed that its consensus recommendation was for the commission to consider implementing a 200-foot no-wake zone in Church Slough, prohibit wake surfing or wake boarding in the slough, and require personal watercraft to operate at a minimum, or no-wake, speed. Supporters felt this was a compromise from the original petition, which sought to enact a no-wake zone throughout the entire slough, while maintaining a variety of boaters’ abilities to recreate within the slough.

Dissenting Views

Those opposed to the recommended alternative felt the proposals did not adequately address concerns around erosion, water safety, and other habitat impacts. The proposal from the committee is also relatively complicated for a small body of water and may lead to challenges in public understanding as well as challenges for Enforcement. Given the size (about 1000 ft. wide) and shape of Church Slough, the “no-wake within 200 feet of shore” may lead to challenges in the public complying and potential safety issues by concentrating use in a narrow corridor down the center of the slough. A simple no-wake rule is just that, simple. It does not exclude any user group by watercraft type. No-wake is the only option that will dramatically reduce erosion, maintain public safety, and protect habitat. Flathead County has nearly 150,000 acres of surface water open to motor boating allowing wakes. We should protect this popular and unique body of water with a simple no-wake rule.