

City calls out state for push back on invasive regs

Agency reverses decision, now likely will allow boat decon moving forward

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The state appears to have rescinded its previous decision that Whitefish could not require boats at a "high risk" for aquatic invasive species to undergo decontamination before launching into Whitefish Lake.

The change comes a week

after Montana Fish, Wildlife and Parks representatives met with Whitefish City Council, some of whom admonished the state agency for its original decision.

Whitefish last month began requiring inspections and decontamination of boats before entering Whitefish Lake. However, FWP previously said

based on state regulations the city couldn't require watercraft that include ballast tanks or bags, no matter where they last launched, to be decontaminated before entering the lake.

Whitefish officials during the June 19 Council meeting called FWP to task on the issue.

"I understand maybe we put

the state to shame by spending more per capita on AIS, but we're trying to do the right thing here," Councilor Andy Feury said. "We've made a huge financial commitment to this. We are concerned about our lake. We are concerned

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about our supplemental water source. We are concerned about how much revenue that lake generates for the businesses in our community."

Following the meeting FWP and city officials met to hammer out a memorandum of understanding regarding boat inspections for watercraft entering Whitefish Lake. Under the proposed agreement, the city would be allowed to require boat decontaminations, but could not charge for them.

City Attorney Angela Jacobs on Monday said the city and the state are still determining the details of the agreement, but it's likely that the city will be able to amend its ordinance to once again require boat decontaminations.

"The city ordinance would be changed to say that it's illegal to launch if we tell you to decontaminate your boat and you don't," she said.

The state has asked for a list of protocols for the city inspection stations and wants to ensure that the city ordinance is in-line with state regulations, Jacobs noted. She expects Council to approve the MOU and an update to the city AIS ordinance.

FWP representatives spoke with Council about the issue during the June 19 meeting.

Tom Boos, AIS coordinator for FWP, acknowledged that boats with ballast tanks are a concern in regard to AIS.

protocol for mandatory decontaminations and only voluntary donations are being accepted for program support.

Almese Hoclock, FWP attorney, told Council June 19 that she expected the MOU to be completed soon.

"We have looked at the ordinance you have passed and we do feel that there could be a couple of changes to be made," she said.

Mike Koopal, executive director of the Whitefish Lake Institute, said he has met with FWP representatives to discuss the MOU.

"This has been an ever changing issue since the ordinance went into place," Koopal said. "We had a healthy discussion and certainly now all the parties can come together to find shared goals and common solutions to the issue."

On Monday, Koopal said the institute will be seeking donations to keep the decontamination station running. It already received funding support from the Whitefish Community Foundation for the station and the city established an \$11,000 contingency fund for its

"They simply don't drain — they hold water," he said. "And they can't drain completely. It is a concern. From a statewide perspective it is difficult to require decontamination on these boats without having a risk assessment involved — where has it last been and where was it last launched."

In May a mussel-fouled boat intended to launch in Whitefish Lake was prevented from doing so. The Michigan boat was first stopped on the Blackfeet Indian Reservation on May 21 and after inspectors found traces of the AIS, it was then directed to the Whitefish decontamination station where the Whitefish Lake Institute, which administers the city's AIS program, confirmed the presence of zebra mussels on the boat.

Feury said he understands that the state has to balance access for recreation with protecting the watershed, but he is concerned that the state has accepted that AIS, like zebra mussels, will eventually contaminate the state's water bodies. Requiring boat decontamination is a small price to pay for protecting the lake, he noted.

"A little inconvenience for [the boat owner] is nothing compared to the huge inconvenience it could mean for an entire community and an entire

watershed," he said.

Boos said there are a lot of unknowns about whether decontamination is effective and if mussels can survive in a ballast tank.

"It's not going to go over well to have strict restrictions on [ballast boats] and I think that scares the Legislature," he added. "FWP can't do much without their support."

"I feel the same as you," Boos told Council. "I just have a whole state to protect, we can only do what we can do."

Councilor Frank Sweeney implored the state to allow the city to do all it can to protect the Whitefish Lake.

"The current protocol leaves much to chance that doesn't have to be left to chance," he said.

"If we screw this up we can't fix it. We need to take the approach that until we know better we do all that we can. We're not asking the state to help fund these stations. We're bearing the financial burden."

Whitefish Lake Institute has said Whitefish Lake has the right conditions for mussels to inhabit the lake and an infestation could have devastating effects including long-reaching economic and environmental consequences for Whitefish and the lake.

The city of Whitefish in April passed an ordinance requiring mandatory inspections and decontamination of boats entering Whitefish Lake. It continued its inspection station at City Beach and set up a new inspection station at Whitefish Lake State Park.

Under the current ordinance, all "high risk"

to launch the boat in Whitefish Lake to test the motor, according to the city, but voluntarily agreed to forego launching the boat for a month to ensure it would pose no risk.

Two other mussel-contaminated boats were detected in eastern Montana over Memorial Day weekend — one was intercepted at an inspection station in Wibaux and another failed to stop at a Hardin inspection station but was ordered to return to the station by the Montana Highway Patrol.

Aquatic invasive species are non-native plants and animals that impact water bodies and wetlands. An infestation of zebra or quagga mussels have become of increasing concern after waters east of the Continental Divide last year tested positive or had suspect results for zebra mussels.

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