



Update: Victory for the Egan Slough Ballot Initiative! What Happens Next?

[June 7th, 2018] Citizens for a Better Flathead is elated that the Egan Slough Initiative passed by a landslide 70% majority of Flathead County voters. We are grateful for the hard work and stamina of the volunteers who made it happen. The community came together to protect our water from the bottling plant that would lower thousands of wells, discharge plastic into the Flathead River, and threaten our fisheries and farms.

Together, we sent the message that the good of the community is paramount. That one person's financial gain should not negate everyone else's property rights and water rights. Together, we demonstrated that a strong group of dedicated citizens can make a world of difference for the future of our shared valley.

Now what?

First, the election results need to be certified in the next few days by the Montana Secretary of State. When that takes place, the Egan Slough Zoning District will be immediately expanded by 530 acres to a total of 1,680 acres and be subject to Egan Slough Zoning District regulations.

Second, 11th District Court Judge Robert Allison deemed the Flathead County Commissioners' 2016 decision to deny the Egan Slough-area petition an abuse of discretion and unreasonable. He ordered the commissioners to reconsider their decision. On May 31, 2018 they reheard the public comment of that hearing. It is uncertain if they still need to render a decision. We suspect that is a question for the attorneys involved in the case.

Third, the appeals of the DNRC permit as filed by Water for Flathead's Future (WFF) and Flathead Lakers are still to be heard. But oral arguments for a request for a stay of implementation of the DNRC permit were heard on Monday, June 4th. It was not expected that 1st District Court Judge Kathy Seeley would rule prior to the outcome of the election since there was overlap between judicial and electoral processes. Any decision she makes now will no longer interfere with the election. Consequently, she is free to rule at any time.

WFF will press the case at the District Court to its conclusion, including the continuing request for a stay. If they get the stay granted, it will be an important telegraphing of the judge's initial thoughts on the case — she would likely be granting the stay based on the likelihood of WFF and Flathead Lakers winning on the merits of the case when it's heard in full. So, it also provides a certain insight into the merits of WFF and Flathead Lakers' arguments in Judge Seeley's mind.

Citizens will continue to support Water for Flathead's Future with technical assistance and outreach as their fiscal sponsor. We're celebrating this hard-earned victory by Yes! for Flathead Farms and Water, while also recognizing that the fight against the water bottling plant may be far from over. We will stay diligent in the work that's to come to protect the Flathead's pristine water and productive agricultural lands.