

FLATHEAD LAKE LEVELS 2023

CLIMATE CHANGE OR CSKT COMPACT IMPLEMENTATION?

A PUBLIC SERVICE ANNOUNCEMENT BY BILL & IRENE, LLC

Lake shore owners, may we together analyze what's just happened?

What if the disaster unfolding on Flathead Lake was not a result of climate change, weather, or the “stubborn bureaucracy”, but instead was “simply” the CSKT Energy Keepers implementing the CSKT Compact by using the “Flathead System Compact Water Right” to generate power?

The Flathead System Compact water right is 229,000 acre-feet of water sourced from the south fork, north fork, and mainstem of the Flathead River. The South Fork of the Flathead River is captured and released from Hungry Horse, joins other tributaries of the Flathead River stored in Flathead Lake, and then is released at Kerr Dam. The volume of this water right is approximately equivalent to the top two (2) feet of Flathead Lake. The elevation of Flathead Lake today is 2,891 feet, two feet below the full pool of 2,893 feet. And heading down.

While there have been visits by Senator Daines and Congressman Zinke and a task force established by Governor Gianforte to “solve” the problem, they have focused only on further releases from Hungry Horse Reservoir to “stabilize” the lake level. Do they not know that the level of Flathead Lake is controlled entirely by Kerr Dam and its owner, the CSKT-Energy Keepers?

No one has even mentioned the CSKT Compact, the Flathead System water right, or that the Kerr Federal Energy Regulatory Commission (FERC) License held by the CSKT Energy Keepers allows the modification of the releases from Kerr Dam at the operator's discretion and as needed with permission of the Secretary of the Interior. Did anyone ask?

To solve a problem, we can all agree that all the facts are necessary. This article sheds some light on what also may have happened to Flathead Lake during the spring and summer of 2023.

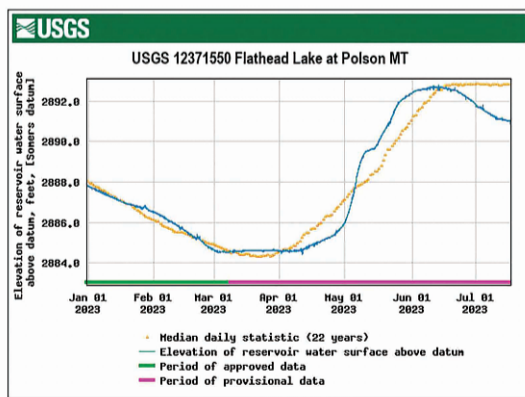
TIMING IS EVERYTHING

Acknowledging the complexity of dam and reservoir management, timing is everything. Flood control, irrigation, and power are the primary purposes of both Hungry Horse and Kerr Dams, with fishery operations included. Kerr Dam's releases, hourly release rates, and between-day flows are further regulated by the FERC license for

fishery purposes now held by the CSKT-Energy Keepers. The timing and coordination of these operations, which also include lake level recreational guidelines, has been the essence of the stable management of the Flathead system for decades in the context of annual weather patterns.

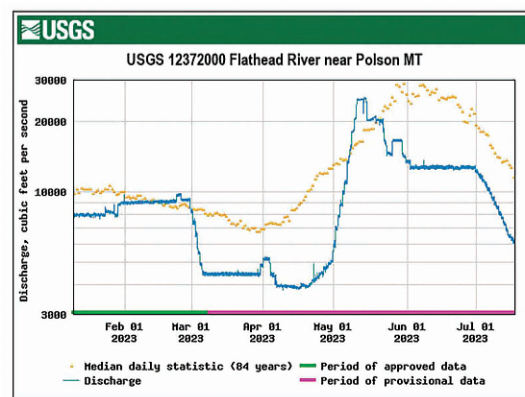
The timing of snow melt and streamflow is obviously important and informs the decisions of reservoir operators. According to the Natural Resources Conservation Water Supply Outlook Reports, by the end of March 2023, the snowpack in most of western Montana was 90%-100% of normal to well-above normal. Warm temperatures in April caused an early snow melt runoff in May and thus most reservoirs began filling in late May and early June.

Below is a graph from the U.S. Geological Survey comparing the 22-year record of Flathead Lake levels (orange line) with the 2023 record of fill (blue line). The sharp blue line indicates that Flathead Lake reached its peak for 2023 in June, much earlier than the long-term record. It also shows the lake level beginning to quickly fall in



June, falling to more than a foot below full pool on July 1:

What did the Flathead River below Kerr Dam look like during this same period? The graph below compares the 84-year record of the Flathead River below Kerr Dam with the flow of the Flathead River below Kerr Dam during 2023. The graph shows that Energy Keepers released most of the water stored in Flathead Lake in May and did



so in a fashion that could reflect “peak” energy production and/or “pulsed” fish flows. The sustained release of the FERC license minimum throughout the month of June further drew down lake levels. Thus, the damage to Flathead Lake happened in May and June. Importantly May/June is when those adjustments to Kerr releases should have been requested and implemented. Timing is everything.

In 2023, the timing of storage in Flathead Lake and releases from Kerr Dam by the CSKT/Energy Keepers appears to be a definitive reason why Flathead Lake was uncharacteristically depleted below full pool by July 1.

How much water did the CSKT/Energy Keepers release in May and June over and above the FERC minimum flow? How much water did Energy Keepers release above “flood control requirements”? Were these releases more or less than the Flathead System Compact water right of 229,000 acre-feet?

The Kerr Dam FERC license provides Energy Keepers the discretion to adjust river flows below the dam to address environmental needs like maintaining lake levels while protecting fish at the same time pursuant to approval by the Secretary of the Interior. Energy Keepers chose not to exercise that discretion, and our federal and state leaders chose not to mention it. Think about that.

PROTECTING FLATHEAD LAKE

Thousands of property owners and businesses around Flathead Lake were unexpectedly greeted with the direct consequences of the CSKT Flathead Compact, which never examined the impact of the CSKT-promised fluctuating lake levels on the multibillion-dollar investments around Flathead Lake. If shoreline is worth \$10,000 to \$15,000 a linear foot, and if the certainty of lake levels in summer has been a factor for investment in this area and enjoyment of millions of people for decades, the exercise of the Flathead System Compact Water Right in 2023 has already shown devastating and perhaps long-term consequences on the property values around Flathead Lake and to the regional economy.

Could it have been avoided?

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