

## Section 1 General Provisions

- 1-1 Title  
These regulations shall be known and referred to as the "Lake County Lakeshore Protection Regulations."
- 1--2 Authority  
These regulations are adopted under the authority of the State of Montana, Section 75-7-207, M.C.A., which requires ~~Local governing bodies are required by law to~~ adopt regulations regarding the issuance or denial of permits for work in lakes within their jurisdiction, including the lands adjacent thereto and which is within twenty (20) horizontal feet of the mean annual high water elevation of the lake, ~~within their jurisdiction pursuant to Section 75-7-207, MCA.~~
- 1-3 Purpose
- (A) The purpose of these regulations is to:
- (1) Protect the sensitive nature and pristine character of Lake County's lakes and recognize that the ecosystems of these lakes are inseparably intertwined with the adjacent riparian corridor and upland areas.
  - (2) conserve and protect natural lakes because of their high scenic and resource values,
  - (3) conserve and protect the value of lakeshore property, and
  - (4) conserve and protect the value of these lakes to the state's residents and visitors who use and enjoy them.
- (B) The people of Lake County recognize the value and importance of a clean and healthy environment. The natural environment in its various forms is a vital part of life in the county: it creates the scenic landscape and the natural beauty of the area; it is part of the lifestyle of the people living here; and it is part of the reason many ~~persons~~ people choose to live here. The natural environment cannot be re-created--it can only be protected from detrimental land use. To this end, it shall be the policy of Lake County to require future growth and development to be environmentally sound, and to conform to the following objectives: ~~Specifically, i.e. regulations regarding growth and development in the county should serve to:~~
- (1) minimize alterations of topography, soils and vegetation so that accelerated erosion around bodies of water is prevented, ~~prevent accelerated erosion and land slippage,~~
  - (2) minimize topographic alterations that may have a detrimental effect on the natural environment, ~~prevent accelerated nutrient enrichment of water bodies due to human activities, also known as cultural eutrophication,~~
  - (3) maintain and preserve the high quality of ground water resources,
  - (4) preserve the ecological value of wetlands,

- (5) maintain and ~~enhance~~ preserve the desirable natural, physical, biological, and aesthetic characteristics of our lakes and lakeshores, rivers, and streams,
- (6) retain and protect natural surface water drainage patterns and flow characteristics
- (7) maintain, preserve, and enhance desirable natural, physical, chemical, and biological water quality aspects of lakes, ~~ponds, rivers, lakeshores and streams~~ wetlands,
- ~~(8) prevent undue acceleration of eutrophication rates in water bodies,~~
- (9) protect natural aquatic plant and animal communities,
- (10) preserve fish spawning areas, waterfowl nesting and rearing areas, and rare and endangered plant and animal species and their necessary habitats,
- (11) quickly restore to a desirable condition any land area disturbed due to removal of vegetation, grading, or erosion ~~to a desirable condition~~,
- (12) prevent the migration of fine materials into water bodies during and after any land disturbing activities,
- ~~(13)~~ preserve and enhance the aesthetic qualities of the landscape and its environs, and
- ~~(14)~~ preserve the scenic qualities of views from public roads and waters, and
- ~~(15)~~ protect public health, welfare and safety.

#### 1-4 Jurisdiction

- (A) These regulations govern any work which will alter the character of any lake, lakebed, or lakeshore, having a water surface area of at least one hundred sixty (160) acres, or portions thereof, within the boundaries of Lake County, Montana, excluding the portions of Flathead Lake which lies within the jurisdictional area of the City of Polson, Montana and/or the waters below the elevation of 2893.2 feet (Somers datum) of Flathead Lake within the Confederated Salish and Kootenai Reservation.

The lakes within Lake County which are governed by these regulations include Flathead Lake, Swan Lake, and Lake Mary Ronan.

- (B) These regulations supplement all other regulations required by other governmental units or regulatory agencies having jurisdictional responsibilities over a lake, lakebed, lakeshore, or wetland. ~~The A permit issued hereunder does not authorize any work in lieu of any other required state, tribal, or federal permit. does not supersede, modify, or negate other permits, as may be required by other governmental units or regulatory agencies having jurisdictional responsibilities over a lake, lakebed, or lakeshore.~~

1-5 Severability

Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.

1-6 Interpretation

Where any provision of these regulations is more or less stringent than other applicable regulations, the more stringent regulation, restriction, or requirement shall govern.