

Flathead Basin Commission Meeting
February 21, 2018
Grouse Mountain Lodge
2 Fairway Drive, Whitefish

- 10:00 Introductions/Roll Call/Logistics
- New appointments
 - Revisit enabling legislation, FBC purpose, by-laws
 - Duties of commissioners
 - Discuss status of meeting minutes from 9/27/17, 11/15/17, 12/18/17
- 10:30 FBC Overview and Status
- Funding and budget
 - Staffing
 - Executive committee and committees
- 11:00 FBC Moving Forward
- Commission rule petition
 - 2018 Field Season
 - **Action Item:** Elect chair, vice chair
 - **Action Item:** commission rule petition
- 12:00 Lunch
- 1:00 FBC Moving Forward (cont.)
- 1:30 Role of Flathead Basin Protection Fund
- 1:40 Public Comment
New Business
- 2:00 Adjourn

Agenda is subject to change and item times are approximate.

The Flathead Basin Commission will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. For questions about accessibility or to request accommodations, please contact Stephanie Hester at 406-444-0547 or shester@mt.gov as soon as possible before the meeting date.

**Flathead Basin Commission (FBC) Meeting
February 21, 2018
10 am-2 pm
Grouse Mountain Lodge
Whitefish, MT**

ATTENDEES:

FBC Voting Commissioners: Rich Janssen, Ed Lieser, Dean Sirucek, Kathy Olsen, Patrick Holmes, Mike Koopal, Jack Potter, Jeff Mow, Gary Krueger, Jim Simpson (phone), Chip Weber (phone), Jasmine Courville-Brown (phone), Steve Frye (phone)

FBC Ex-Officio Commissioners: Mark Reller, Dennis Philmon, Mark Bostrom

Other attendees: Stephanie Hester, Lori Curtis, Dennis Clairmont, Erick Hanson, Carroll Blend, Bill Baum, Dick Zoellner, Charles R. Abell, Patrick Reilly, Lamont Kinkade, Kate Wilson, Danna Jackson, Robin Steinkraus, Susan (Brueggeman) Foster, Angie Winter, Matt Redding

Welcome

Vice-chair Rich Janssen opened the meeting at approximately 10:20. The meeting started late due to an issue with the hotel's phone equipment. Rich welcomed participants and the meeting proceeded with round robin introductions for participants in the room and on the phone.

This is the first meeting since Governor Bullock appointed three new commissioners and Flathead County reappointed Gary Krueger. Rich asked each new member to provide some additional information on their backgrounds.

New members

Ed Lieser - A career forester who worked for the Forest Service for 30 years. Mostly worked on timber management and wildland fire. Has served/serves on the Bob Marshall Foundation, Whitefish Legacy Partners, Whitefish Lake Institute. Former legislator representing Whitefish. Served on taxation and natural resource committees.

Mike Koopal—Founder and executive director for Whitefish Lake Institute, a local science and education based non-profit. Works collaboratively on executing a local aquatic invasive species (AIS) management plan with City of Whitefish. Serve as a commissioner on the Upper Columbia Conservation Commission (UC3) and the Whitefish Climate Action Plan.

Gary Krueger—Gary is a Flathead County Commissioner. His father served on the Flathead Basin Commission in the 1980s. For years, Gary has been farming and ranching in the valley.

Vice-chair Janssen also introduced Tribal Council Member, Dennis Clairmont. Dennis represents the Confederated Salish Kootenai Tribes on the UC3 and Montana Invasive Species Council (MISC).

Vice-chair Janssen also noted that Patrick Holmes from the Governor's Office was recently appointed and will represent that office.

Revisit Enabling Legislation

Copies of FBC's statutory authority and enabling legislation were reviewed at the meeting.

- Review of enabling legislation—MCA 75-7-3
- Review of membership, compensation—MCA 2-15-33

Chair Janssen read through the documents and then opened it up for discussion. Discussion points follow:

Ed L.: MCA 75-7-304 (2) calls for close cooperation but doesn't include cooperation with counties in the clause? Why?

Danna—The code does include “provincial” coordination, which is a catch all for local governments and includes counties. Also, FBC membership includes two county commissioners to serve and represent Lake and Flathead counties.

Gary added that counties are a subdivision of state government, so also included in that manner.

Review of Duties of Commissioners

Vice-chair Janssen read each of the six commission duties outlined in MCA 75-7-304.

Discussion:

Mark B.: Noted that the requirement for formal submission of biennial reports (MCA 75-7-306) has not been fulfilled as a duty of commissioners. FBC has not been submitted reports to the Environmental Quality Council (EQC). Mark offered to submit the reports to EQC, so the duty is fulfilled and reports are properly recorded.

Vice-Chair Janssen requested that Mark forwards the reports to EQC.

Action: Mark Bostrom to determine which reports have not been submitted and recorded and submit those outstanding reports to EQC.

Chip: Is FBC moving forward, or do we feel FBC mission is accomplished as Director Tubbs suggested? Chip's assumption is that since appointments were recently made that the Governor wants FBC to continue.

Patrick: Referred participants to a letter in the meeting packets from Governor Bullock to Director Tubbs. The letters intent is to clarify the executives position on FBC. The letter is an affirmation that good work has been done in past, FBC has experienced great success on transboundary issues, and that looking forward the executive encourages the commission to reflect on work of past, make sure the organization is meeting statutory responsibilities going forward, and that FBC should review and reassess its priority issues.

Jeff—would like to know where we are at with each duty. Need status check.

Rich—Feels FBC is not done. He's working on lots of mining transboundary issues and this might be an area for FBC to return to

Chip—Feels there is work for FBC to do as long as there are waters to protect. There are enhanced efforts with UC3 and the state for AIS. We were filling gaps. How do we add value not that that work is

being covered? Does role change? Still work on AIS? How will be most effective in concert with other AIS efforts in basin as opposed to a non-supportive critic. How do we provide input that is valued, and embraced, and supported?

Jack—What about funding and executive director position? FBC has a strategic plan through 2016. Need to revisit the plan based on budget and capacity.

Mark B. addressed FBC budget and capacity issues:

- State government has seen a decline in funding across departments. FBC reductions are a fraction of amount of overall budget cuts to DNRC. The Reclamation and Development Division cuts were \$2.14 million.
- DNRC is statutorily required to provide staff and will continue to do so. Currently Stephanie Hester and Mark will staff FBC and can also draw resources from Kate Wilson.
- The ED position through Mark's division (Conservation and Resource Development Division—CARDD) is still occupied
- Some operational funding will be available. Address budget later in the meeting. The USFS grant funds are also available.
- Funding for the next biennium will be determined in next legislative session
 - Need new proposal if additional resources are going to be requested
- FBC may hire staff. Has been done in the past with express personnel
- Question: If we hire someone to write grants. Do agreements go through DNRC?
 - Mark responded, yes: Express Personnel is a state term contract. FBC can work directly through express personnel and does not need to go through DNRC.

Lori: Suggested mining issues might be a good place for FBC to focus. FBC was successful with these issues in the past. Other entities are covering AIS now. No one else is concentrating on mining issues. Might be a good place to focus energy.

Gary Krueger: Father sat on first FBC as county commissioner. Purpose was and is to monitor water quality in basin. FBC is a government entity. Disappointed to hear that FBC has not been submitting reports. Gary stated that FBC's authority includes making recommendations to the legislature and executive. FBC has overstepped bounds in a lot of places. If it gets back to monitoring and making recommendations to executive, Flathead County will continue to participate. If, FBC continues to step outside of authority and not implement duties it won't be successful. FBC could be valuable tool to exec., legislature, and FWP.

Dennis: Asked if FBC can show support and get involved in Elk River issues.

Discussion: Issue is outside of basin. Can FBC work on mining issues outside basin? Was previously asked to stay within the basin.

Mark: DEQ, EPA, Environment Canada, and tribes have a lot of interest in the program and are not ignoring Elk River situation.

Dean: Involved with FBC since 1987. Has seen evolution of issues that basin has tackled and the organization has changed dramatically.

- Monitoring and transboundary mining were first issues
- Forest management and fisheries in 1990s.
- Then FBC took on and focused entirely on AIS—emphasis changed
 - Noticed a change in support out of Gov. office to support FBC's AIS work
- With so much development in basin, FBC could be a good asset for identifying issues
- See this time as another evolution for FBC
- Dean in full support of FBC moving forward and reassessing priorities

Mark R.: Duties that jump out include FBC's monitoring function and yearly monitoring plan. Baseline and ongoing data collection is important and critical for tracking trends. Mark's job at Bonneville is to encourage cooperation among resource managers. Developing good relationships and good cooperation helps through bad times. Duties also include encouraging economic development. Bonneville main energy source for valley and FBC can help protect Bonneville's investment in fisheries and natural resource protection.

Ed L.: Asked what the relationship is between Upper Columbia Conservation Commission (UC³) and FBC.

Lori: Lori is the UC³ chair and explained that the UC³ is:

- Charged with coordinating disparate entities and project and efforts to ensure efficiency and collaboration
- Communicating with FWP regularly, FWP sites on UC³
- FBC is a voice at the table
- UC³ has a larger scope regarding AIS

Mark B. provided additional information on the UC³:

- Protecting the Flathead doesn't protect the larger Columbia River Basin, which is charge of UC³
- UC³ is centrally focused on AIS with monitoring component
- FBC has broad scope in defined area for water quality monitoring of all waters and natural environment
- If FBC is going to be affective in AIS, needs to work with rest of AIS community

Kathy: FBC needs to reevaluate how it's doing business

Erik: FBC has MOU with CSKT to work on AIS, which was put in place while working on FBC pilot rules. There are existing obligations.

ACTION: Review existing MOU between CSKT and FBC to make sure obligations fulfilled and outstanding items.

3 existing MOUs with CSKT, Blackfeet, and Jesco. Need to assess and fulfill obligations.

Bylaws and Duties of the Commissioners

Vice-chair Janssen provided an overview of the bylaws. Vice-chair Janssen and Kathy are currently the only executive committee members

Bylaw amendment needed to address:

- There is no MOU between FBC and DNRC. Never was able to come to consensus on content

- Suggestions to readdress and establish the MOU
- There is a draft set of bylaws from 2016 that was never executed. Includes adding a Chief Operating Officer. Particularly important to have a treasurer on the executive if there is outside money the FBC is managing, e.g. Flathead Protection Fund.

ACTION: Stephanie to include bylaw discussion on next meeting agenda and send 2016 bylaw draft.

Who approves by-laws?

- FBC commissioners by vote
- Needs legal review before vote
- **ACTION—have legal review before vote, not necessarily DNRC legal**

Meeting minutes

Mark B.: Explained status of meeting minutes from last three meetings.

- Meeting notes from 9/27/17 have not been approved because there was not a quorum.
- We do not have official meeting minutes from meetings on 11/15/17 and 12/18/17.
- Current minutes from 11/15 and 12/18 are not official minutes. Pieced together from notes from various meeting attendees not assigned as official meeting scribe.
- Should new commissioners vote on minutes for meetings they didn't attend?
- Public noticing of minutes—ends on website in 2016, no agendas, no minutes have been posted
- DNRC does not have access to website to post minutes
 - Kate Hunt volunteered to update website
- need to compile minutes and decide whether to approve at next meeting and distribute. Post meeting archives
- Danna can provide legal guidance on how to address how to approve meeting minutes

ACTION—Stephanie to compile minutes and add to next meeting agenda. Danna to provide guidance on how to approve meeting minutes with new commissioners who did not attend meetings prior to their appointments

Question was posed: Who is carrying duties while ED is out? Answer: Stephanie and Mark

FBC Overview and Status

Mark B: provided a handout of the three FBC accounts, balances, and questions about obligations

- FBC 3120-operating (this is where the reductions occurred)
 - Remaining operating funds are for personnel services, commission travel, meetings
- FBC Private 3150—donations
- USFS AIS Grant 3153

Need to understand obligations to FBC that can't be covered under USFS.

- Blackfeet nation bill charged to USFS

MOU between CSKT and DNRC (allowable under USFS grant)

- Agreement includes \$20,000 for AIS Prevention cost-share
- \$10,000 paid, \$10,000 pending. CKST to send invoice

Jesco MOU—no known obligations

Account balances:

- FY18-~27,000 remaining balance (40k-50k reduction)
- FY19-\$140,000 reduction. Enough money for commission meetings

Staffing

Mark B.: provided an overview of the current status of FBC staffing.

- Caryn Miske on administrative leave. For personnel privacy issues, cannot discuss.
- Stephanie Hester main point-of-contact
- Kate Wilson will assist if needed.
- Fundraising will be best done through contracted services—Express Personnel
- Opportunities for private donations
- Need to coordinate fundraising activities between FBC, UC3 and others competing for AIS \$

Forest Service agreement

Dennis made some comments about the history and purpose of the USFS grant

- Grant through O&M for Hungry Horse dam. Funding was supposed to be a short-term measure
- Part of agreement is for FBC to identify new issues
- Was supposed to be seed money, never intended to be sustained funding source
- Understanding that FBC role is to raise flags on issues, mobilize resources, and move on
- State needs to pick up watercraft inspection stations.
- This funding source should be coming to an end and transfer issue to UC3 and state
- Interagency agreement renewed through FY21 for \$25,000
- Need to go back through federal acquisition process each year
- Makes available for a year up to \$25,000. Use or lose funding

Other points on Forest Service funding:

- Chip agrees that this was stop gap funding
- Grant was temporary. Interim measure until state stepped up
- Decision point for commission on terms of MOUs and whether FBC should redirect CSKT and Blackfeet towards other funds as Forest Service grant winds down
- Next legislative session will highlight additional gaps
- FBC to advise state on how the state should fund AIS program

Executive Committee

Vice-chair Janssen is acting chair. A new chair needs to be appointed. Rich would like to step down on the executive committee.

Kathy Olsen is on executive committee as DNRC liaison in accordance with the bylaws Section III (f).

Need nominating process before voting on. Have run into difficulties with commissioners having restrictions on some being able to serve.

Decision to postpone elections.

Committees

Previous committees included executive, funding, education, monitoring

Monitoring-Caryn, Jack, Dean

- Had a plan but no funds to implement
- Identify what monitoring was occurring
- Identify monitoring gaps

Comments:

- Committees are under same open meeting laws as main Commission
- Recommendation to be careful with creating too many committees. Business needs to be conducted through full body.
- Need to revisit priorities before forming committees

Agenda action item: Elect Chair, Vice Chair

MOTION: Gary Krueger moved to delay election of chair, vice chair to next meeting

Second: Dean Sirucek

Discussion: none

Vote: unanimous

Next Meeting:

Date of next meeting April 25, 2018

10-2

Pablo or Polson-Rich to check on availability in Pablo and work with Stephanie on final location.

Commission Rule Petition

Mark B.: Provided an overview of the status of the petition and intention of FBC regarding the rules.

- Phone meeting on Dec. 18 to vote on two items
 - 1) whether or not to submit rules to the Fish & Wildlife Commission
 - 2) If unsuccessful with Commission, take rules to Attorney General for opinion
- Both motions passed with a 9-1 vote.
- Jan Metzmaker submitted petition
- Communications from Jan to Director Williams about holding back on petition if they coordinate
- Daily Inter Lake article published titled "Commission Offers to Set Aside Sticker Program"
- FWP has active legal petition.
- Chair would assume role to carry rules
- Confusion about FBCs intention rule. Does FBC plan to move forward with petition?

Kathy: Kathy was lone dissenting vote. She voted no because there were problems and red flags with presented rules. With FBC legal opinion on rules, didn't seem to be going anywhere.

Jack: FBC pursued rules to fulfill legislative intent and trying to fulfill. Brought up lots of issues including whether to petition Department of Fish & Wildlife Commission. Goal was to addresses deficiencies in the state program.

Action Item: Commission rule petition

MOTION: Jim Simpson motioned to withdraw FBC pilot program petition (for pilot program outlined in HB 622) and reassess FBC's focus on aquatic invasive species in the basin.

Second: Gary Kruger

Discussion:

Chip: Would have had more success with rules if worked with agencies. Need to work with agencies to craft rules. Process was flawed. Hope we pay attention

Dean: two thoughts—legislature asked us to do something, out of time to implement. Knew we could always withdraw, and needed to start process. UC³ had not been initiated yet. Since vote, the process with UC³ has been successful in bringing greater AIS community together. Some of the issues proposed in the pilot program have come to bear focus and FWP has come together with plan. Withdrawing petition not a bad thing.

Kate W.: FWP has moved forward with rules with CSKT. Mandatory inspection coming into basin.

Erik: Pilot was to establish sustainable funding. CSKT is working with FWP to implement a lot of parts of the pilot project. Just not getting any dedicated funding.

Kate W.: UC³ made recommendation to close unmanned access points at Tiber and that local boaters do not include residents on the westside of the divide

Mark R: Prohibited seaplanes language is confusing. Need time to clean up and make specific. Merits delay in pursuing the rules.

Robin: Flathead Lakers remain strong supporters. Attended hearings. Members concerned about invasive mussels. Membership doesn't think enough is being done. Disappointed that state agencies didn't come to the FBC with concerns about rules during the session.

Dean: Pilot program is not necessary to enhance inspection stations

Mark B.: FBC did a good job augmenting inspection program. Prior work amounts to a pilot program. Need to work with partners to establish the pilot program. Not sure there was broad acceptance of FBC rules by other stakeholders.

If motion passes, also includes not going to attorney general with request for opinion on rules.

Vote: Unanimous, 12-0

Rich Janssen, Ed Lieser, Dean Sirucek, Kathy Olsen, Patrick Holmes, Mike Koopal, Jack Potter, Jeff Mow, Gary Krueger, Jim Simpson (phone), Chip Weber (phone), Steve Frye (phone)

FBC moving forward

Strategic plan is due for a review and update. Need to go through strategic planning process to determine what issues FBC will take on in future.

ACTION: add discussion about strategic plan to next meeting agenda

Role of Flathead Basin Fund

Jack: resigned from board. The fund is in flux.

Two accounts:

- 1) Flathead Community Foundation Protection Fund
 - a. Express personnel staff, Jesco and Blackfeet Station
- 2) 501C3-Flathead Community foundation
 - a. Non-profit status requested

Do not know balances of either account. Do not know if there are obligated funds within those accounts.

Jim S.: Who is responsible for oversight of these accounts?

- Board of Directors of Protection Fund.

Jim S: noted that Lake County Commissioners-Caryn to meet about Lake County sponsoring the foundation

Flathead Protection Fund Board-Jan Metzmaker, Chas Cartwright, Kate Hunt, Tom Smith

FBC Moving Forward (cont.)

Patrick: Executive Committee is in charge of fiscal oversight. Need to look into these issues. Can have call and vote on matters prior to April meeting if needed. Suggest a nomination process prior to next meeting.

Ed—Adding treasurer is recommended, need to change bylaws to add new position to executive committee

Jack: In the past FBC had a nominating committee that brought forth recommendations.

Dean—Jan lobbied to have Dean be chair or vice chair. There is a conflict of interest because of DNRC/CD relationship. Would be interested in being member-at-large on executive committee.

Action: Stephanie/Mark B. to poll members to see who is interested in serving on executive. Work with Vice-chair Janssen on nominating process before next meeting.

Public comment

Angie Winter: Not clear the authority relationship the executive committee and executive director?

Mark B.: ED position is a DNRC position. Authorized in HB 2. Attached to DNRC, Conservation and Resource Development Division. DNRC provides employee support—car, office, payroll, etc. Relationship between DNRC and FBC executive committee is co-management of Ed. The exec. Committee and Mark provide day-to-day oversight Regarding matters of finance there is a direct relationship between DNRC and FBC ED. FBC ED is liaison to FBC executive committee.

Angie Winter:

- Commission needs to consider that ED position is in a difficult spot on who they get direction from.
- Starting with strategic plan is critical. Priority #1
- Need to fill leadership roles + add treasurer role
- Public website—I didn't hear any action on the issues with the FBC website

Mark B: DNRC has resources to help with updating website and putting on a mt.gov site.

Action: Stephanie to contact Kate about accessing website.

Dick Zoellner: Thanks for watching over our water. Feels good with group and progress today

Action: Stephanie work with Vice-chair Janssen on agenda and location of next meeting

Motion: Jack Potter motioned to adjourn at approximately 1:40

Second: Jeff Mow

Discussion: none

Vote: unanimous

Meeting adjourned

Action Items		Assigned	Due Date	Status
1	Mark Bostrom to determine which reports have not been submitted and recorded and submit those outstanding reports to EQC.	Mark	4/11/18	Done
2	Review existing MOU between CSKT and FBC to make sure obligations fulfilled and outstanding items.	Mark	4/11/18	Done
3	Stephanie to include bylaw discussion on next meeting agenda and send 2016 bylaw draft.	Stephanie	4/1/18	In progress
4	Legal review of bylaws before vote	DNRC legal/other legal?	TBD	TBD
5	Stephanie to compile minutes and add to next meeting agenda. Danna to provide guidance on how to approve meeting minutes with new commissioners who did not attend meetings prior to their appointments	Stephanie/Danna	4/11/18	In progress
6	Add discussion about strategic plan to next meeting agenda	Stephanie	4/1/18	In progress
7	Stephanie/Mark B. to poll members to see who is interested in serving on executive. Work with Vice-chair Janssen on nominating process before next meeting.	Vice-chair Janssen/Mark/Stephanie	4/11/18	In progress
8	Stephanie to contact Kate about accessing website.	Stephanie	4/1/18	Done
9	Stephanie to work with Vice-chair Janssen on agenda and location of next meeting	Vice-chair Janssen/Stephanie	4/1/18	In process

FLATHEAD BASIN COMMISSION

Confederated Salish & Kootenai Tribal Council Chambers (42487 Complex Blvd)

April 25, 2018

AGENDA

<i>TIME</i>	<i>AGENDA ITEM</i>	<i>SPEAKER/LEAD</i>
10:00 AM	Welcome & Introductions	Rich Janssen, CSKT (acting Chair)
10:15 AM	Discussion/approval of <i>DRAFT</i> Minutes from *Sept 2017; *Dec 2017; and Feb 2018	Kate Wilson, DNRC All
10:30 AM	Update on financials, MOUs, budget, website & Overview of current by-laws Discussion on website content/layout/features	Kate Wilson, DNRC All
11:00 AM	Final nominations and background info on interested parties (for election)	All
11:15 PM	Election of Executive Committee (Chair, Vice Chair & member at large)	Rich Janssen, CSKT
11:45 – 12:45 PM	LUNCH (on your own)	
12:45 PM	Update on Artesian plant & process	Kathy Olsen, DNRC
1:05 PM	Update on E. Flathead Study	Kathy Olsen, DNRC
1:25 PM	Whitefish Lake Institute: About the Institute, septic leachate project & priority issues in basin	Mike Koopal, Whitefish Lake Institute
1:45 PM	Updates on Upper Columbia Conservation Commission (UC ³) and Montana AIS Program Updates (Flathead Basin)	Kate Wilson, DNRC Germaine White, CSKT & Jim Williams, FWP
2:20 PM	Review strategic plan, discussion of process for approving, potential focus areas moving forward, need for strategic planning session at next meeting, etc.	Rich Janssen, CSKT All
2:50 PM	Public comment	
3:00 PM	Wrap up and discuss/set next meeting date	Rich Janssen, CSKT

*Discretion of members not present at previous meetings to decide to participate in vote or not

MEETING MINUTES

Meeting/ Project Name:	Flathead Basin Commission (FBC)		
Date of Meeting:	April 25, 2018	Time:	10 AM – 3 PM
Minutes Prepared By:	Kate Wilson	Location:	Confederated Salish & Kootenai Tribal Council Chambers – Pablo, MT
1. Welcome and Introductions			
Rich Janssen	Welcome. Rich opened at 10:00 AM. Overview of agenda.		
Introductions (Roundtable)	Each participant introduced themselves including name, location and organization/interest that they are representing.		
2. Attendees			
Commissioners/staff: Rich Janssen (CSKT), Jim Williams (FWP), Jeff Mow (Glacier National Park), Mike Koopal (Whitefish Lake Institute/Upper Columbia Conservation Commission), Mark Rellar (BPA), Kathy Olsen (DNRC), Steve Frye (citizen member), Gary Krueger (Flathead County Commission), Dean Sirucek (Flathead Conservation District), Mark Bostrom (DNRC), Chip Weber (USFS, Flathead National Forest), Jim Simpson (Lake County Conservation District), Dave Stipe (Lake County Commission), Kate Wilson (DNRC)			
Commissioners (by phone): Ed Leiser, Patrick Holmes, Kate Hunt			
Public/Other: James Steele Jr (CSKT Tribal Council), Eve Byron (Missoulian), Tom Cox (Flathead Lakers), Tom McClure (Flathead Lakers), Barbara Chilcott (DNRC), Lamont Kinkaide (public), Clayton Matt (CSKT)			
3. Agenda and Notes, Decisions, Issues			
Presenter	Topic/Discussion		
Rich Janssen	Welcome/introductions (all) <ul style="list-style-type: none"> • Went over agenda • Confirmed quorum present for voting matters 		
Kate Wilson	Discussion & approval of draft Minutes <ul style="list-style-type: none"> • <u>September 27, 2017 (Hungry Horse)</u>: no quorum present, not an official meeting. Amended from original notes. <ul style="list-style-type: none"> ○ Motion to approve as notes instead of official minutes (Jim Simpson). 2nd (Dean Sirucek). All in favor (Mike Koopal recused himself as was not in attendance at previous meetings). None opposed. <i>Motion Passes</i>. • <u>November 15, 2017 (Lake County Courthouse)</u>: Quorum, but no official note taker or Minutes taken, pieced together from observers after the fact. <ul style="list-style-type: none"> ○ Motion to approve as notes instead of official minutes (Dave Stipe). 2nd (Chip Weber). All in favor (Mike Koopal recused himself as was not in attendance at previous meetings). None opposed. <i>Motion Passes</i>. • <u>December 18, 2017 (Conference call)</u>: Quorum present, but no official note taker or Minutes taken, pieced together from observers after the fact. <ul style="list-style-type: none"> ○ Motion to approve as notes instead of official minutes (Dave Stipe). 2nd (Dean Sirucek). All in favor (Mike Koopal recused himself as was not in attendance at previous meetings). None opposed. <i>Motion Passes</i>. • <u>February 21, 2017 (Whitefish)</u>: Quorum and notetaker (official Minutes). <ul style="list-style-type: none"> ○ Motion to approve as official minutes (Gary Kruger). 2nd (Jeff Mow). All in favor. None opposed. <i>Motion Passes</i>. 		

Kate Wilson

Update on financials, budget, MOUs, website and overview of current by-laws

- Budget update/discussion: FY18 (\$14,966) and FY19 (projected at \$17,155)
 - Discussion on how Commission would like to separate funds (personal services and operating). Recommend that some funds are left in the operation account in the event that unexpected invoices surface.
 - Working Dogs: outstanding invoice, paid by Flathead Basin Protection Fund
 - Eric Hanson contacted DNRC on some work for FBC that is currently unpaid. DNRC has no documentation of work.
 - If FBC has solid focus/need that can be defended, DNRC CARDD willing to ask for budget appropriation at the next session. All money has not been swept. Question of redundancy can be resolved internally – new, different direction could be supported.
 - Motion (Jim Simpson) to keep remaining funds in operational account for next 3 months (end of FY2018). On June 15th the remaining money allocated to personal services (staff). 2nd (Dean Sirucek). All in favor. None opposed. *Motion passes.*
- MOUs with CSKT and Blackfeet for the operation of inspection stations has been paid out by USFS grant (and both MOUs expired at the end of 2017).
- Discussion on USFS grant funds (for AIS specifically).
 - Chip Weber: Purpose was getting into AIS field, to try to supplement funding while state was standing up inspection station program (main purpose, but flexibility). Much of funding passthrough from Dennis Philmon (BOR) at Hungry Horse. Discussion about terminating that grant. Does FBC see continuing need? If we can still get funds, maintain those options? Would like to hear from FBC on whether to continue to not. See how fit with actions coming out of strategic discussion. Maintain options. Few enough funding, though state has really stepped up to the plate.
 - Kate W: Funding for CSKT and Blackfeet stations (that were part of MOU with FBC) now contracted directly with Tribes from FWP. So probably should find alternative options for using that funding. Or assist with funding stations not currently being contracted through FWP.
 - What are challenges or gaps for UC³? These funds could assist with any gaps that UC³ is seeing. Probably education & outreach or monitoring expansion. Have latitude to use funding for various AIS purposes.
 - Dave Stipe: Lake County contracting with Caryn Miske for grant writing – long term. Would like to get change in statute (state nuisance law) to enable AIS district (like predator control districts) where district can collect funding through property taxes. Could pass local laws where state laws are weak. Need to spread across entire basin though – doesn't make sense for one county to do this alone.
 - Gary Krueger: Don't think we could support that. County is subdivision of the state. If we don't have authority through state legislature through code, don't do it. Have to look at what we do very carefully – not worth creating laws that we can't enforce or don't make a difference. Different approach – help people figure out how to do it the right way. Can't put a sheriff everywhere. Lack of education about program. Pilot program that had a boat sticker program in it – those things are confusing to the public. Need one message to the public and I don't think we're doing it very well.

	<ul style="list-style-type: none"> ○ Jim Williams: Challenge, yes. Education and outreach is significant. FWP has new outreach person in Kalispell. New rule meant to be as simple as can be but still protect basin. ○ Jeff Mow: Reprinting AIS guides as an option for grant? Federal funding status? Potentially. ○ Kate: Update on WRDA funding (\$1.8M for inspections anticipated for 2018; \$160k in monitoring funds). Very specific what funds can be used for. EQC discussing possible options how to fund state AIS program past 2019. ● Website updates: Old website being shut down but new one will be stood up (www.flatheadbasincommission.mt.gov). Currently have an RFP out to design this as well as another website for the Montana Invasive Species Council and the Upper Columbia Conservation Commission (www.MTInvasives.mt.gov). <ul style="list-style-type: none"> ○ DNRC/FBC staff to maintain content ○ Chip Weber: USFS can help with website too, Flathead has a website specialist. ● Recommendations on content: About Us (FBC mission, history, enabling statutes, about the basin); Annual & Strategic Planning (Annual plans, strategic and action plans); Watershed Issues (priority issues for FBC/basin); Resources (relevant reports, links for more information, partner links, photos, graphics, etc.); Meetings & Minutes; Contact Us, Sideboard (events, etc.). ● Current by-law review and discussion ● Kate to amend current by-laws to include: add 2nd member of large and Treasurer to the Executive Committee; change ‘executive director’ language to ‘FBC staff’ (reflects statute better as ED only exists in bylaws, more clear); include review of biennium report and making recommendations to the Gov Office, Agencies, etc. to the duties of the Commissioners; remove language on MOU between FBC and DNRC (has never been executed); make 2nd member at large a one year term (to stagger); consider allowing proxies. <ul style="list-style-type: none"> ○ Modifications to by-laws will be discussed and potentially adopted at the next meeting.
Rich Janssen & Kate Wilson	<p>Elections</p> <ul style="list-style-type: none"> ● Nominations: no new from the floor. <ul style="list-style-type: none"> ○ Motion that nominations be closed and that those that have identified themselves as interested in positions be elected and begin serving immediately. (Jim Simpson). 2nd (Dave Stipe). Called for question. All in favor, none opposed. Motion passes. ● Chair: Rich Janssen ● Vice Chair: Ed Lieser ● Member at Large: Dean Sirucek ● Filling in for Immediate Past Chair on EC (allowable in by-laws): Mike Koopal <ul style="list-style-type: none"> ○ Motion that Mike Koopal be added to EC to fill in for immediate past chair until such a time as the 2nd member of large be added (Chip Weber). 2nd (Dean Sirucek). All in favor. None opposed. Motion passes. ○ Consider election for 2nd member at large at next meeting if modifications to by-laws pass
Kate Wilson Other AIS updates	<p>Upper Columbia Conservation Commission (UC³) Updates</p> <ul style="list-style-type: none"> ● UC³ active and has established four Committees: <ul style="list-style-type: none"> ○ Watercraft Inspections <ul style="list-style-type: none"> ▪ Focus on enhancing coordination among partners (FWP, CSKT, Blackfeet, Missoula County, Whitefish). Increase communication and

consistency among partners on data tablets, survey questions, notification, protocols, etc.

- Response & Preparedness
 - Provided feedback on statewide EDRR Guidelines
 - Working on tools and communication networks to increase place-based response tools and augment statewide guidelines
 - CRB regional Exercise September 2018 on Flathead Lake
- Early Detection & Monitoring
 - Working on an annual monitoring plan that will delineate who is monitoring where, using which techniques, etc. Map developed all well – increase coordination among partners
 - eDNA Science Advisory Panel April 17-18 at FLBS went really well – whitepaper coming soon
 - Enhance standard protocols and consistency among partners who are monitoring; expand network to entire Upper Columbia; increase citizen science potential for assistance
- Education & Outreach
 - Inventory of existing efforts
 - Drafting strategy for 2018 for Upper Columbia – to include planned E&O (including advertising) efforts of all partners (FWP, CSKT, local conservation groups, etc.).
 - Implement activities on the ground
 - Assist with new website development and maintenance
- Tiber containment & local boater recommendations
 - Tiber: May 11th (7 days/daylight hours): Tiber Marina, VFW West Campground
 - Tiber Certified Boater access by gate code only: N. Bootlegger, S. Bootlegger, Willow Creek
 - Certified Boater Program: East of Divide residents only
- Monitoring & Inspection coordination workshop Dec 2017
- Flathead Basin Rule: inspections mandatory for any watercraft coming from outside of the basin (and destined for waters of the Flathead Basin)
- Next meeting: JUNE 13 @ Flathead Lake Biological Station
 - Future state funding mechanisms/options for AIS Program
- Question on biggest challenges faced so far: Still getting started, but just expanding beyond Flathead Basin to entire Upper Columbia and engaging those new partners will be challenging. Monitoring – consistency in decon protocols for field equipment, protocols for taking samples, etc.
- Chip W: Sounds like a good ‘one stop shop’ for AIS. Opportunity with website rec.gov being developed (recreation outlets). Chance to emphasize AIS messaging and link people to sites. Federal but may include state rec sites.
- Jim W: Be patient as UC3 develops. Doing all the same things that FBC was doing at a larger level, but in some areas even doing more. Overlap with both groups (Mike & Kate). Ensure don’t have duplication – lots of other issues in basin.
- Jeff M: Glacier NP – motorized private vessels only allowed if pass 30-day quarantine. How much does that confuse the public? What is range of responses that provide consistency given resources trying to protect? Within NPS, having more and more discussion about response in prevention vs. response on AIS. Sharing tension of issue – if what we’re doing at GNP causes problems, I want to hear about it. I know we’re

	<p>sort of out there in terms of asking boaters to do something different. Be willing to let each other know when there are issues.</p>
<p>Germaine White</p>	<p>CSKT AIS Updates</p> <ul style="list-style-type: none"> • AIS staff are Tom McDonald (sets policy), Germaine White (runs program), Erik Hanson (AIS Coordinator), Charlene Sharlow (AIS Specialist). • Contract w/FWP for Ravalli station. 12 hours a day (7 am- 7 pm). March 17th opened. • Blue Bay opened station March 13th for spring Mack Days. • Jesco boats/will estimate May 15th for Sat/Sun certifications. • Division office staff also inspect watercraft. Work with FWP to designate as a certification station (M-TH during regular business hours). • FWP Officers, local government and Tribal officers meeting held recently – address ‘skippers’ at stations. CSKT Officers have built incredible good will with other officers in the area. Meeting next week with disaster emergency services coordinators and conservation officers as well. Working on seamless coordination on enforcement. • Partnered with FLBS and Flathead Lakers and Boys & Girls club to host 2018 mussel walk. 150 kids at Salish point (Kwatuknuk). Bio station had 100 kids. Successful – were grateful to have mussel walk with 5 education stations. • eDNA analysis for mussels ongoing – Tiber results suggest that eDNA can be used to detect earlier. • BIA funding for number of projects – summer interns project (E&O, target wakeboard boaters, rapid response capacity). • Inspected 500 boats, 100 inspections from mussel-fouled states this season. Moving to 24-hour station at Ravalli in mid-May. • New program brochure – part of package of materials that CSKT has produced. • Continue to have website, billboards, trailers for movies, brochures, mailers in local utilities (reach 20k customers).
<p>Jim Williams</p>	<p>FWP AIS Updates</p> <ul style="list-style-type: none"> • Will cover north of the lake and new rule. • Roll clock back to last session – multiple bills (2017). ICS was in place. Has been working with CSKT on inspections and AIS prevention – need to do something extra in the Flathead. • Looked at AIS as battle for hearts and minds. People really have to be engaged and care about issue. • West of divide: had previously issued permits on CSKT access sites for launching. Didn’t have hostile customers – people care. • Director Williams and CSKT created mutual rule (Legislative Rule) that passed. If you leave the basin, mandatory inspection required. Has actually been working, and worked quite well. • Hired inspector for FWP regional office – coordinates with CSKT, Whitefish and Glacier. Mack days required inspection prior to participation, Ham started March 1st to assist. • New rule – felt that it wouldn’t jeopardize public support for the program. At FWP regional office: In March, Ham checked 53 boats in March, 65 in April. ~24-30 percent are ‘rule boats’ (e.g. inspection required), the rest were primarily Mack Days participants. Some neither, they just want to do the right thing. • Large boats they have to inspect at the fairgrounds due to lack of room at the office parking lot. 4 SUP from Lake Powell. 2 GNP. 1 EWM contamination already (dried – came from storage). 1 boat from Tiber (stored over winter, dry).

	<ul style="list-style-type: none"> • Rules only work as well as people support them. But enforcement required too – Captain Lee Anderson works closely with CSKT. All of game wardens (some near water have more) have AIS minimum hours embedded in way manage time. • Dean S: Came from New Mexico and passed 6 different inspection stations on the way up. Quite honestly have to compliment Montana. Signage at state border much better. Idaho and MT much more apparent. Yesterday came from Missoula and recommend moving flashing sign further back. Two ideas for FBC: Flathead and Glacier and Glacier CD share building at Flathead Fair – try to get AIS display that talks about various rules/regs within basin at the 2018 fair. Display could be used at other fairs too (Aug 2018). <ul style="list-style-type: none"> ○ Chip: work with staff to augment current efforts. • Dean: 2nd idea: CDs in concert with DEQ and several other WQ agencies to put together brochure on all permitting required to do work in streams. Do something similar for Flathead Basin – account for special situations. Identify on map. Rules and requirements. Inspection stations, offices, parks, visitor’s centers, etc. Use money to do that. Map with rules that apply. •
Kathy Olsen	<p>Artesian Plant & Process Update</p> <ul style="list-style-type: none"> • DNRC Water Resources NW Office issued ‘preliminary determination’ to issue water right for ~710-acre feet of water from aquifer. • Received objections, went to hearing. • The decision was upheld at the hearing. Has been appealed – now sits in district court. • DEQ has issued a discharge report (before went to hearing). Is it available? Kate to check on status of DEQ discharge report.
Kathy Olsen	<p>East Flathead Surface/Groundwater Study Update</p> <ul style="list-style-type: none"> • Hydro Specialist working with Helena office on proposal for groundwater investigation. Look at Creston area – interaction between aquifers and surface waters. • Have been monitoring surface flows for almost a year – now go deeper to look at interaction between surface and ground water. Good piggyback on USGS study. Timeline Sept/Oct for funding. 2-year study. • 6 criteria considered for issuing a water right: physical and legal availability, no adverse effect, beneficial use, possessory interest, adequate means of diversion (must all be met – no choice but to issue).
Mike Koopal	<p>Whitefish Lake Institute – Priority issues in the basin</p> <ul style="list-style-type: none"> • WLI is a 501 c3 non-profit, place based, focus on science and education. • A lot of WQ sampling on Whitefish Lakes, tributaries and other local streams. For a lake to have 10 years of data, not enough to draw trend conclusions but great place to start. • Volunteer monitoring program – used to be housed here. FWP, FBC and WLI had discussion and decided to marry all sampling programs together. Coordinating and administrating for past 5 years. 40 lakes in NW MT. Engaging 50 citizen scientists. With AIS coming onboard, program shifted to have as much emphasis on that as WQ. • Edu: 2009 wetland habitat on WL donated. Interpretive nature trail used for local schools (Whitefish, Col Falls, Kalispell, geo tours). Offer internships (7-8 through the years) – spend summer in field doing data collection and getting experience with non-profit. Handout on org.

- Montana Lakes Conference: March 13-15, 2019. Streams and rivers usually the topic of discussion, lakes and reservoirs not so much. Lack of information out there about Montana Lakes. FBC sponsored Large Lakes Conference in 2008. In the absence of that not happening again, decided to host ourselves.
- AIS – worked on since 2012. Partnered with City of Whitefish on AIS management plan (annually) that includes inspections and monitoring. Leverage time out in the field with NW Lakes group.
- Septic leachate - Potential here as project for FBC. DEQ ratcheting down on point source discharge, but we're not doing a great job with non-point source pollution. 2011 septic leachate study demonstrated presence of septic leachate in Whitefish Lake. Not surprising, FLBS did studies previously on Flathead Lake as well. Site suitability for septic around whitefish Lake ranks poorly. Partial sewerage around the lake from EPA grant, but funds gone now. Formed ad hoc committee to work on issue – met for a year, came up with mang. plan advocated for neighborhood plan. Contracted engineering firms to create plans to address/investigate problems and come up with engineering solutions and cost. But issue is fairly complex – multiple jurisdictions. Funding complexities (W2ASACT) – consortium of private, state and federal funding partners). Opposition from neighborhood groups in Whitefish. Probably didn't do best job with E&O. Potential for annexation, but RSIDs, SIDs, complicated things for anyone to understand. Hit a road block. Even after working with city of Whitefish (and 20-year annexation clause).
- Today we don't have any success with any neighborhood group. Stepping back to reevaluate issue. Mark Bostrom offered idea of legislative study bill to further describe challenges of this issue/type of project for Flathead Basin.
- Working with Dave Fern and talking to Flathead Legislators on engaging. On local level, went back and talked to city of Whitefish – willing to extent further incentives (30-year annexation, etc.), looking at additional funding sources for landowners. Some closer to municipal infrastructure vs. neighborhood approach.
- Local place based orgs have 'ear to ground,' well informed on natural resource issues, who the players are. But on issues like septic and storm water, place based orgs don't have capacity to see issue to resolution. 3 septic bills introduced in legislature.
- Would like FBC to contemplate providing a voice to the issue – support study bill, further fact finding, looking at other lakes and areas (Lake McDonald, Flathead, Swan. Woods Bay). Timely issue where FBC can provide leadership because you have a few success stories in the US (like Lake Tahoe). Problem with issue is that not in people's faces – why E&O so important. If system is failing on Whitefish Lake, effluent doesn't back up into house, goes down into saturated soil, fractured bedrock, stair stepping into lake. Those individuals are polluting a shared resource – where FBC comes into play. Same with storm water. It all comes back to Non-Point Source issues and how we can positively affect change in our waterbodies. Some things we have very limited control over, but these are areas we can affect change.
- Discussion: Is resistance money/funding? Yes, and some people just have a beef with the city and don't like the idea of annexation (ever).
- Mark B: Not unique to Flathead or Whitefish. A lot of communities have seen this issue take off. City of Helena worked with DEQ to set up reduction of nutrients with trading program. Lewis & Clark County has septic maintenance program as well. Huge problem but need to start picking away at it before it's too late. If you lose amenity, you lose value of community (prop values, desire to live tied up in water quality). The things that draw this place together. Canyon Ferry example: beyond mussels, cyanobacteria bloom could compromise drinking water supply.

Rich Janssen/All

Review Strategic Plan and discussion of process approving, potential focus areas moving forward, need for strategic planning session, etc.

- Kate W: Overview of themes in 2016-2020 Strat Plan:
 - Aquatic invasive species (AIS): mussels & plants
 - Canadian/American partners: protect headwaters of FR
 - Rail safety/water quality: prevention/Emergency response plans
 - Monitoring: Water quality (long term trends)
 - Growth & development
 - Promote civil discourse and factual objective discussion of issues affecting the Flathead Basin
 - Foster cooperative work with/among agencies and partners
 - Develop ways of improving capacity and increase effectiveness of FBC
 - Address other issues and priorities that are of importance to the basin
 - Foster voluntary efforts to improve water quality in the basin
 - Wastewater management, Education & outreach, AIS
 - Work with federal, state, Tribal, and local Gov to address landscape level impacts associated with climate change
 - Adaptive management efforts, drought planning
- Discussion: Still reflect priorities of Commission or reevaluation needed?
 - AIS example – UC³/enhanced coordination in Upper Columbia
 - Prioritization of focus?
 - Water & environment/natural resources within basin?
 - Emerging issues not addressed in plan?
 - How we work with partners? Collaborative projects?
 - Non-point source pollution?
 - Follow up required? Strategic planning session next meeting? Action plan?
- Jim W: Given UC³ and associated Committees, AIS can be covered by UC³. Would make sense to address other WQ issues. Those types of issues that may need a champion. For AIS and transboundary issue with Canada, maybe opportunity for group to focus on other.
- Jeff M: Landscape has changed enough worth acknowledging UC³, AIS response, that we think about what our role is. Agency perspective – worth having conversation. Good to have the bridge on thought process between UC³ and FBC. Some of issues haven't changed, just need to figure out how to fit.
- Mike K: Reach out to other entities and agencies- what are key issues that you are dealing with? Suggest that Kate reach out to other groups between meetings to involve all the other regional groups in the discussion. FBC here to serve as umbrella to all groups/entities working on NR issues in the basin. Maybe hasn't happened in recent history. Valuable as we pursue this info as we move forward.
- Mark R: Rail issue and potential for spills into the system.
- Kathy O: Looking forward with moving forward and looking at issues with new eyes.
- Steve F: Agree. At pivotal point in role in galaxy in water in basin and natural resource issues. What is our role relative to those issues and objectives.
- Dean S: Strategic Plan still quite pertinent. Can take various issues that we've talked about today and all of them still fit under the umbrella. Don't need to redefine overall sideboards. However, need to spend some serious time looking at the action plan. Worked on draft in 2015-16 that wasn't finalized. I see three items that need addressed: Major partner in info and distribution in AIS issue (aid UC³ in mission and be more site-specific). Septic leachate issue. TMDL processes/evaluations – Flathead Lake TMDL not finalized. In a holding pattern. Look at last data put out, models

	<p>predict all of inputs over time and know there needs to be a reduction. The one part of pie growing exponentially include septic expansion and soil types in the basin. Monitoring of WQ – evolution in WQ and AIS. A lot of different agencies looking at different ways. Could be facilitator and clearing house in developing somewhat cohesive plan in basin. When look at budget – these are the priority issues I see.</p> <ul style="list-style-type: none"> • Mark B: A lot of things in draft action plan that can be addressed by FBC, but too many currently to be effective. Monitoring is clear in duty. Would question time is best spend on eventual demise of resource or starting to look for solutions. Worked on TMDL for over a decade. A lot that can be done with that. Parallel with AIS – known national issue (NPS pollution effects everything). All of resources/weight goes toward point source discharges. CARDD state revolving funds to address wastewater – over a billion in loans out. Bozeman example: \$36M for massive plant but still can't meet standards because upstream of plant has too many NPS issues. Many watershed groups work in this realm, but there is not a collective effort on a big scale (e.g. FBC) to really take it head on. I can see that being a real worthwhile cause. • Chip: Strat Plan provides broad laundry list/sideboards. Step to organizational behavior question: schedule time to determine not sideboards <i>but focus</i>. Need to pick some priorities and focus efforts. We either move from AIS or target a specific niche within it that is a gap. Focusing effort – pick mission for next 3-5 years. Let's schedule that for the next meeting – determine marching orders. • Jim S: Suggest we recognize our abilities. As a board we meet 6 x a year. Limited budget. A lot of agencies that have taken the lead on AIS. What is role with agencies? Shouldn't be trying to take lead role. Focus on orphan issues – NPS. Septic, smoke, wastewater, fuels building up (sedimentation, etc.), other farming practices, sources of NPS. Orphan issues that don't have advocates.
Rich Janssen	<p>Public Comment</p> <ul style="list-style-type: none"> • Clayton Matt (CSKT) – a lot of new faces. Rich does a nice job of representing us here. Followed what's happened here in the last year and a half. Has a future role but will take concerted effort. Going to take a change in some focus – really about WQ. Bigger than AIS. Coal issues hasn't gone away (Canada). All of issues you've talked about. E&O – think about from multiple perspectives. <ul style="list-style-type: none"> ○ 'Vertical integrated communication' – increase public engagement in issues, but also greater need now than ever to increase E&O with legislature, agencies, executive. Produce recommendations to address key issues (foundation, where started, strengths) and coordinating with agencies. CSKT here to participate and help. Tribal Council hear about all of these issues as well. In addition to Leg and Gov's Office, periodically, think about inviting Tribal Council/leadership to participate in meetings. Can learn from each other and work together. Also have capacity to work directly with Leg, Gov's Office to assist on bringing issues and solutions forward. • James Steele Jr: Def have my support in anything CSKT can do. Developing legislative plan now – have lobbyist and can have them work on your issues. Advocate for FBC and issues during Legislative session. As you set priorities, maybe we can back you up on that effort. Refocusing is good.
Next Steps	<ul style="list-style-type: none"> • Next meeting: Kate to doodle for mid-late June. Meeting may start earlier/go later. Consider a working lunch. • Location: Kalispell (USFS or DNRC)
Wrap up	<p>Motion to adjourn (Chip Weber). 2nd (Dean Sirucek). <i>Motion passes</i>. Adjourned at 3:18 PM</p>

4. Action Items				
Action		Assigned	Due Date	Status
1	Send out draft minutes and updates	Kate Wilson	5/7/18	Completed
2	Make modifications to existing bylaws for Commissioners review	Kate Wilson	6/15/18	Completed
3	Next meeting date, location and logistics	Kate Wilson & Rich Janssen	5/15/18	Completed
4	Send CRB link for regional watercraft inspections and MT inspection and monitoring maps	Kate Wilson	5/7/18	Completed
5	Check on status of DEQ report	Kate Wilson	6/15/18	Completed
6	Reach out to other groups in basin for discussion on priority issues and potential partnerships	Kate Wilson	8/15/18	In progress
7	Set regular meeting schedule for executive committee meetings	Kate Wilson, Rich Janssen, Ed Lieser, Dean Sirucek, Mike Koopal, Kathy Olsen	5/15/18	Completed
9	Invite CSKT to present on priority water issues at future meeting	Rich Janssen & Kate Wilson	9/1/18	In progress
10	Draft letter to the Flathead Basin Protection Fund to provide status update and balance of fund for FBC consideration	Kate Wilson	6/15/18	Completed
11	Invite Dean S and Jack P to present on status of monitoring committee and findings from past study	Kate Wilson	5/15/18	Completed
12	Help Kathy O figure out what to do with bottom barriers in storage (aquatic plant control)	Kate Wilson - FWP	6/30/18	In progress

FLATHEAD BASIN COMMISSION

Flathead Electric Cooperative (2510 US Hwy 2 East, Kalispell)

June 20, 2018

AGENDA

9:30 AM	Welcome & Introductions	Rich Janssen, CSKT (Chair)
9:45 AM	Discussion/approval of April 25 <i>DRAFT</i> Minutes	Kate Wilson
9:50 AM	Staff update: work plan, financials/budget, website	Kate Wilson
10:10 AM	Action items: Change to by-laws; Letter to Flathead Lake Protection Fund members; USFS AIS funding	Rich Janssen, CSKT (Chair)
10:25 AM	Overview & Update on Flathead Lake TMDL	Tim Davis, DEQ
10:50 AM	BREAK	
11:10 AM	Flathead River Management Plan	Chris Prew/Chip Weber, USFS
11:35 AM	Historical perspective: FBC Monitoring Committee	Jack Potter/Dean Sirucek, FBC Monitoring Committee
11:55 PM	Action item: Septic Leachate Study Bill – Consideration by Water Policy Interim Committee (WPIC)	Mark Bostrom, DNRC Mike Koopal, Whitefish Lake Institute , Ed Lieser, FBC
12:15 PM	Working lunch (provided): Strategic Planning Session – introduction and plan	Kate Wilson
1:00 PM	Strategic Planning Session	All
2:30 PM	BREAK	
2:50 PM	Strategic Planning Session (cont.)	All
3:30 PM	Action Plan/Strategic Plan drafting discussion	All
4:00 PM	Next steps	Rich Janssen, CSKT
4:15 PM	Public comment	
4:30 PM	Wrap up and discuss/set next meeting date	Rich Janssen, CSKT

All Flathead Basin Commission (FBC) meetings are open to the public. The FBC will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. Please contact Kate Wilson (kate.wilson@mt.gov or 406-542-4282) as soon as possible before the meeting date.

MEETING MINUTES

Meeting/ Project Name:	Flathead Basin Commission (FBC)		
Date of Meeting:	June 20, 2018	Time:	9:30 AM – 3:15 PM
Minutes Prepared By:	Kate Wilson	Location:	Flathead Electric Cooperative (2510 Hwy 2), Kalispell, MT
1. Welcome and Introductions			
Rich Janssen	Welcome. Rich opened at 9:30 AM. Overview of agenda.		
Introductions (Roundtable)	Each participant introduced themselves including name, location and organization/interest that they are representing.		
2. Attendees			
Commissioners/staff: Rich Janssen (CSKT), Mike Koopal (Whitefish Lake Institute/Upper Columbia Conservation Commission), Ed Lieser (citizen- appointed member), Kathy Olsen (DNRC), Steve Frye (citizen member), Gary Krueger (Flathead County Commission), Dean Sirucek (Flathead Conservation District), Mark Bostrom (DNRC), Chip Weber (USFS, Flathead National Forest), Dave Stipe (Lake County Commission), Jack Potter (citizen-appointed member), Kate Wilson (DNRC)			
Commissioners (by phone): Tim Davis (DEQ)			
Public/Other: Patrick Reilly (Missoulian), Robin Steinkraus (Flathead Lakers), Lamont Kinkaide (public), Nicky Ouellet (Montana Public Radio), Stephanie Hester (DNRC), Bill Baum (wildlife & wilderness), Onno Wieringa (public), Tom Bansak (FLBS), Mary Cloud-Taylor (Daily InterLake)			
3. Agenda and Notes, Decisions, Issues			
Presenter	Topic/Discussion		
Rich Janssen	Welcome/introductions (all) <ul style="list-style-type: none"> • Called meeting to order at 9:40 • Confirmed quorum present for voting matters (8 voting Commissioners required) 		
Kate Wilson	Discussion & approval of draft Minutes <ul style="list-style-type: none"> • April 25, 2018 (Pablo): Quorum and notetaker; official Minutes). <ul style="list-style-type: none"> ○ <u>Motion</u> to approve as official minutes (Dean Sirucek). 2nd (Chip Weber). All in favor. None opposed. <i>Motion Passes.</i> 		
Kate Wilson	Staff Update work plan, financials/budget, website <ul style="list-style-type: none"> • Staff update/work plan <ul style="list-style-type: none"> ○ Has been researching and reviewing FBC work to get better understanding of structure, process and accomplishments to date ○ Established regular Executive Committee calls (every 2 weeks) ○ Attend Pend Oreille Basin Commission meeting (appointed to board as upstream Montana ex-officio member). She was the first program director for the Commission from 2005-2010 based in Sandpoint, ID. They are a very similarly structured Commission, working on water quality and quantity issues in the Pend Oreille Basin. They have recently had a statue change that provides them with a mandate to also work on representing Pend Oreille interests in the Columbia River Treaty process. ○ FBC logo updated (\$195) – Mike Koopal led the charge on updating. • Budget update/discussion: FY18 (\$13,105 remaining) and FY19 (projected at \$17,155) 		

	<ul style="list-style-type: none"> ○ FY19 funds should probably be used for operational costs such as website, annual report, outreach materials, member travel, meeting costs, etc., but can be decided at next meeting. ○ As decided at the April meeting, operating costs were covered, but minimal. Funds to be transferred from operations to personnel for June/July. ○ Discussion on potential for funds to be restored. No direction from the budget office at this time. The issue won't be resolved before the end of the fiscal year (June 30). FBC will need to budget for personnel in future years – that request should be made soon to ensure it is included in the DNRC budget request. ○ <u>Motion</u> to direct Executive Committee to work with DNRC to develop budget proposal (Ed Lieser). 2nd (Chip Weber). All in favor. None opposed. <i>Motion passes.</i> ● Website <ul style="list-style-type: none"> ○ Old website being shut down but new one will be stood up (www.flatheadbasincommission.mt.gov). RFP process resulted in vendor selection (Windfall, Missoula-based firm). October – should be stood up. ○ Contract to include design this as well as another website for the Montana Invasive Species Council and the Upper Columbia Conservation Commission (www.MTInvasives.mt.gov). ○ DNRC/FBC staff to maintain content. Will request assistance with populating and structuring site when the time comes.
Rich Janssen & Kate Wilson	<p>Amendments to the By-Laws (Action Item)</p> <ul style="list-style-type: none"> ● Amendments made to the By-Laws per discussion at April meeting. They include: <ul style="list-style-type: none"> ○ The addition of a 2nd member of large to the Executive Committee; change of reference to staff from 'executive director' to 'Commission Administrator' (reflects statute better as ED only exists in bylaws, clearer); and removal of language on MOU between FBC and DNRC (has never been executed). ● The changes were reviewed on screen. Discussion: <ul style="list-style-type: none"> ○ Executive Director reference changed to Commission Administrator: stems from a 1999 statue change to HB 139. All references to Executive Director were pulled out of state statute. The only place it remained was in FBC by-laws. When DNRC requested a reclassification when Kate was assigned to the FBC. The reclass included her responsibility as 'Commission Administrator' to reflect current statute. <ul style="list-style-type: none"> ▪ DNRC is statutorily bound to provide staff to FBC and that FBC has the option to hire staff (in statute) ○ Officers of the Commissioners <ul style="list-style-type: none"> ▪ Request for clarification as to whether the Commission Administrator is also an Officer/on Executive Committee. Clarified in the bylaws that the administrator is commission support not an officer (change made in language). ▪ Commission administrator role is to provide support services for: finance, operations, legal, technical/logistics ▪ Add: Chair shall appoint one of the Executive Committee members to serve as financial liaison between DNRC and Commission. ● <u>Motion</u> to approve the By-Laws as amended (Dave Stipe). 2nd (Ed Lieser). All in favor. None opposed. <i>Motion Passes.</i>

Chip Weber & Kate Wilson

USFS AIS Funding (Action Item)

- Discussion on USFS grant funds (for AIS specifically).
 - Balance remaining: \$17,157. Potential for additional \$25,000 allocation.
 - Chip Weber: As FBC started to work on AIS, the USFS had an appropriate available funding source and saw this as an immediate need and an opportunity to provide seed money to get it started.
 - The funding has been used for inspection and education in the past
 - Need to revisit this funding sourced based on the strategic planning outcomes
- Ideas for remaining funds
 - Augment FWP AIS outreach/advertising in the Basin
 - Use existing FWP created materials to augment outreach campaign in the Flathead Basin – Kate to get media plan from FWP
 - Map for new rules (Region 1 has already done this, so probably not necessary)
 - Inspection stations (not getting state funding): Elmo, Whitefish, Blackfeet (?)
 - Transfer to UC³ or FWP to implement AIS high-priority activities
 - All MOUs are expired, so would need a new one depending on where funds go (e.g. between partners).
- No deadline per se, but FS would like to know where funds will be applied and if FBC plans to continue this work in some capacity
- Kate: FWP has media plan in place that includes the Flathead Basin – PIO is going to send media plan and cost estimate for augmenting (haven't received yet)
- Discussion: critical needs identified by UC³?
 - Border stations are difficult to staff. Staffing issue not funding issue
 - Ramping up education for 4th of July might be good—not sure how effective? That is a tight timeline too (next weekend)
 - More education/outreach on rules in the Flathead
- Gary: Private boat launches—they get here before June, winter in south (next spring)
 - Outreach to these individuals that inspection is required
 - Need to worry about people coming from south. Getting to be a big population of snowbirds with boats
- Kate: UC³ working on Bureau of Reclamation funding for marina program. Could potentially expand program to this audience (private launches)
 - Also working on geographic response plan that maps out all access points. That will help us identify any private launches
- Robin: Flathead Lakers have an inventory of access points: Since 2007. Posted signs.
 - Working with company that does videos at gas stations—Be a MT Superhero
 - Got a couple of weeks free. If more money, could do it all summer
- Mike: What is the status on resource advisory committee funding? Can groups apply for AIS assistance? Chip: In process of getting new members of resource advisory committee. Anything with nexus to federal lands and waters within federal lands, something within parameters for spending these funds. Time to bring proposal. Janet Turk is contact. Funds can go to state or NGO (Chip to send info to Kate to send out).
- Need small group to make recommendations on existing money
- Suggestion/discussion: Executive committee to entertain UC3 recommendations—up to \$10k. Needs to be available between meetings (e.g. can't wait until fall meeting).
- Motion to authorize FBC Executive Committee to spend up to \$10k for AIS high priorities (Jack Potter). 2nd (Steve Frye). All in favor. None opposed. *Motion Passes.*

<p>Kate Wilson & Executive Committee</p>	<p>FBC Letter to the Watershed Protection Advocates of NW Montana</p> <ul style="list-style-type: none"> • Executive Committee discussed and requested Kate draft a letter requesting status of what was previously known as the 'Flathead Basin Protection Fund' (name now changed, website taken down) • Mission of fund was originally stated to 'carry out activities of FBC' • Concern may be implicated since status of funds is unknown and were solicited under the auspices of carrying out FBC work (this is no longer the case) • No current FBC Commissioners are on the board of the other group or have access to information regarding the current status • Kate Hunt registered agent • Discussion: Letter is comprehensive and succinct. Suggestion to send letter via email and copy to all board of directors that are known • <u>Motion</u> to approve and send the letter as written (Jack Potter). 2nd (Steve Frye). All in favor (Dave Stipe abstained). None opposed. <i>Motion Passes</i>.
<p>Tim Davis, DEQ (by phone)</p>	<p>Flathead Lake TMDL</p> <ul style="list-style-type: none"> • TMDL: Water quality plan where water quality is analyzed for pollutants (impairments), allocate impairments to those sources • History of Flathead Lake and tributary TMDLs • DEQ adopted TMDL phase 1 in 2001 • Two nutrients in impairment: total phosphorus and total nitrogen • Working on phase 2 now • 2003 Big Creek TMDL-sediment <ul style="list-style-type: none"> ○ Lots of restoration to address sediment. Success story. Monitoring will be ongoing. • 2004 Swan Lake: impaired for watershed-sediment, dissolved organic carbon • 2004 Flathead-sediment • 2014: Flathead/Stillwater -7 streams with impairment temp, sediment, nutrients • Is there a role for the Commission re: TMDL Phase II/Implementation? <ul style="list-style-type: none"> ○ Yes, as we move into phase 2 flathead Lake focused on idea of adopting total phosphorus, total nitrogen. Need to coordinate and adopt identical standards with CSKT. If Commission is interested, could provide more detailed presentation at next meeting ○ Plan to work with CSKT on results of monitoring and implementation of standards ○ The more coordination with partners, the better ○ Timeline-work completed this summer, implementation this fall
<p>Chris Prew, USFS</p>	<p>Three Forks of the Flathead Wild & Scenic River Management Plan</p> <ul style="list-style-type: none"> • Overview of river designation and existing plan <ul style="list-style-type: none"> ○ 1953-Hungry Horse Dam completed ○ 1956- Exploration and drilling to determine suitability of building a dam in the Spruce Park. Craighead article about value of protecting rivers for wildlife and habitat ○ 1966-Exploration for dam ○ LBJ signed Wild and Scenic River Act 1968 <ul style="list-style-type: none"> ▪ Designated 27 rivers under act including 3 forks of Flathead ▪ FS assigned responsibility for study report and EIS on how to protect Flathead

	<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ 1976 Metcalf sponsors legislation in omnibus act that passes for full protection of Flathead corridor <ul style="list-style-type: none"> ○ Tenants of act: Protect free flowing conditions, water quality and recreation • Original plan signed in 1980 <ul style="list-style-type: none"> ○ 4 components: Study report, Environmental Impact Statement, management plan, Recreation Management Direction (set monitoring standards— monitoring for recreation) ○ Need for change came in 1986 due to new statutory requirements <ul style="list-style-type: none"> ▪ Act amended. Requirement for agencies to put together Comprehensive River Management Plans (CRMP). Section 3 (d)(1) ▪ Flathead has pieces but not all together in one place • CRMP requires: <ul style="list-style-type: none"> ○ Outstanding Remarkable Values (OHVs)—unique characteristics of a particular river. Can include fisheries, geologic, water quality, wildlife, botanic, recreation, scenic, historic, ethnographic elements ○ Land/facility development ○ User capacities ○ Water quality and instream flow ○ Collaborative approach ○ Regulatory authorities ○ Monitoring • Work to date includes: <ul style="list-style-type: none"> ○ 2013 ORVs assessment ○ 2012-2014 visitor use survey ○ 2015 Flathead Headwater Ethnographic Resources Assessment • Next steps: <ul style="list-style-type: none"> ○ Complete Gap Analysis: January-October 2018 ○ Learning and Listening Session with Public: May-October 2018 (focused on ORVs) ○ Develop Proposed Action: October 2018 (likely November now) ○ Scoping: November 2018 ○ Develop NEPA: Jan-March 2020 ○ Draft Decision Notice/Process: June 2020 ○ Signed Decision: August 2020 ○ CRMP complete: December 2020 • Need to share information with Canada, particularly B.C. • Discussion: What has the participation been so far? Pretty engaged, lots of written comments and a fair amount of people attending meetings. What water quality feedback did you get? All across board (not doing enough to doing too much). <ul style="list-style-type: none"> ○ Written comments will be posted on Flathead USFS website ○ Will climate change and increased development addressed? Yes, in each category • What can FBC do to help process? Participate and engage in process
Dean Sirucek & Jack Potter	<p>Historical Perspective: FBC Monitoring Committee</p> <ul style="list-style-type: none"> • History of FBC’s involvement in basin water quality monitoring: <ul style="list-style-type: none"> ○ 1980s-early 90s-biannual report included overview of what state/federal agencies were doing within Basin (DEQ, FS, NPS, DNRC) ○ As TMDL process began in mid-1990s. FBC changed direction <ul style="list-style-type: none"> ▪ Worked with Flathead Lake Biological Station (FLBS) on ideal coordinated monitoring plan for Basin

	<ul style="list-style-type: none"> ▪ At same time federal funding decreased ▪ Late 1990s-early 2000s-monitoring efforts decline ▪ 1993-FBC led effort to begin volunteer monitoring program ▪ FBC relinquished program to Whitefish Lake Institute about ~5 years ago (Northwestern Montana Lakes Volunteer Monitoring Network) ○ FBC revisited monitoring plan to overlap with TMDL plan (2015) <ul style="list-style-type: none"> ▪ Jack and Dean looked at state/federal monitoring efforts, what they were monitoring for and developed 2012 water quality plan ▪ Issue: no money to implement comprehensive program, what does monitoring mean? (water quality, AIS, etc.), what is FBC's role, what are the holes? • 2012 Water Quality Plan exists, cannot find updated plan/report <ul style="list-style-type: none"> ○ Known gaps: Swan River, South Fork of Flathead, Ashley Creek, Stoner Creek ○ FBC provided recommendations to Forest Service for management plan (2015) • Most of the pieces for water quality monitoring plan that fit with entire stream network in Flathead Basin are existing or can be addressed, but specifics (monitoring priorities) need to be discussed with federal/state agencies • If monitoring becomes FBC priority, we can address this complex issue by coordinating with federal/state agencies. • FBC role would be to coordinate and fundraising, not implementation • Discussion: As aquatic invasive species became the primary focus for FBC, time and resources were drawn away from this area. This is a big project. Need capacity <ul style="list-style-type: none"> ○ Top priority for Basin in enabling legislation ○ How does this fit in with existing larger strategic plan? Fits in, but major commitment on everyone's part ○ DEQ is data limited. Results in stricter standards being applied to effluent of discharge. If you don't have data, you take a conservative approach and assign a lower limit ○ DEQ has resources for lab capacity contract, 319 funding for volunteer assistance ○ Another issue to look at is water quantity as a driver of everything ○ IS it that monitoring is happening or no repository of information? It's the synthesis to understand big picture. Need synthesize to analyze and look at trends ○ UC³ is compiling information for AIS monitoring as well
<p>Mike Koopal, Mark Bostrom & Ed Lieser</p>	<p>Septic Leachate Study Bill (Action Item)</p> <ul style="list-style-type: none"> • Non-point source water quality issue—Flathead, Whitefish Lake • Unsuccessful on local level after 6 years of study--Reluctance by homeowners to address issue • Issue that FBC could occupy niche—champion issue at state level • Need to work closely with DEQ on this issue/proposal • Draft language for study bill that Water Policy Interim Committee (WPIC), a legislative interim committee, would conduct to inform Flathead Basin on issues and alternatives to address septic waste system impact • Study proposal for consideration by Commission • Ed: This issue has been around a long time and no regulatory framework has been developed, Important to be persistent

	<ul style="list-style-type: none"> • Kate: Spoke with WPIC lead staff and there is a possibility to get on July agenda. He suggested fleshing out a proposal at the meeting today and following up with him if the Commission chooses to move forward. • Ed suggested a commissioner approach WPIC Chair, and volunteered himself to discuss issue and proposal with committee chair • Tom Bansak: FLBS supports study. Suggests inspection upon property transfer • Dean: suggestion to add Echo Lake. While there isn't a lot of data, there is a noticeable impact. <ul style="list-style-type: none"> ○ FLBS has done studies on Flathead, Whitefish, McDonald and Echo • Steve suggested new language for engaging residents (remove non-point source) • Discussion about narrow vs. broad • Concept was to look at a few select lakes that have sufficient data and then apply to other waterbodies • <u>Motion</u> to adopt the study bill proposal with agreed-upon edits and move forward with process, including efforts to engage WPIC (Chip Weber). 2nd (Ed Lieser). All in favor. None opposed. <i>Motion Passes</i>. • Kate to reach out to WPIC for consideration of addition of topic to July meeting.
Kate Wilson	<p>Strategic Planning Session</p> <ul style="list-style-type: none"> • <i>Purpose</i>: 'Develop two-year work plan with specific areas of focus given recent changes and limited resources (e.g. new action plan)' – agreement on purpose <ul style="list-style-type: none"> ○ Strategic plan in effect until 2020 ○ Prioritize strategic plan issues and create 2-year work plan ○ Using action plan as starting point for conversation—plan is too broad and unfocused ○ Doesn't limit FBC from taking on emerging issues/opportunities • <i>Process</i>: Kate outlined options for how to structure the afternoon – discussion of a 'SWOT Analysis' (Strengths, Weaknesses, Opportunities, Threats') and then moving into prioritization exercise. <ul style="list-style-type: none"> ○ Commission agreed that would require more time than we have today – move to prioritization exercise. Consensus to list issues/topics and discuss each one (issue, who is working on, role of commission) to arrive at priority level. Looking to capture broad concepts. Kate will take priorities and draft into more detailed work plan. • <i>Content</i>: Narrow down on top 3-5 areas of focus moving forward. Issues for consideration (in order of prioritization): <ul style="list-style-type: none"> ○ Monitoring/water quality/trends: HIGH PRIORITY <ul style="list-style-type: none"> ▪ WHAT: Point and non-point source pollution - TMDL nutrient impairments; septic leachate; stormwater; surface/sub-surface water; pharmaceuticals and personal care products (PPCPs) ▪ WHO: DEQ, WPIC, FLBS, CSKT, MDA (groundwater), landowners in basin, Mt Bureau of Mines & Geology ▪ ROLE OF COMMISSION/PRIORITY: Create panel on methodology; introduce study bill; work with partners to advocate; assist DEQ with Flathead Lake TMDL phase 2; public engage on issue (esp. septic) <ul style="list-style-type: none"> • Discussion: Take leadership role via coordination in nutrient water quality monitoring in basin. Invite DEQ to provide more in-depth information/presentation to next meeting (data, trends, monitoring results and gaps, etc.). Check with

EPA and Lake/Flathead Conservation Districts (have watershed restoration plans to address TMDLs).

- **Aquatic Invasive Species (AIS): HIGH PRIORITY**
 - WHAT: AIS prevention and management in the Flathead Basin
 - WHO: FWP, UC³, CSKT, Blackfeet Nation, Whitefish
 - ROLE OF COMMISSION/PRIORITY: Coordinate with UC³ and FWP; USFS AIS funding allocation; advocate for protection and continuation of programs; all AIS (not just mussels); public outreach & engagement.
 - Discussion: Role in AIS has changed from leadership perspective to a coordination role with UC³. Already in game with Forest Service money, help advocate for AIS programs. Take on aquatic plant issues in basin (e.g. flowering rush, curlyleaf pondweed, EWM). Report out from UC³ on gaps and priorities will help inform role that FBC can play (e.g. help address gaps).
- **River Management Plan: HIGH PRIORITY**
 - WHAT: Protect major rivers of basin/drainage.
 - WHO: Flathead USFS, Glacier National Park, Lake County, Columbia River EIS team, Bureau of Reclamation (Hungry Horse)
 - ROLE OF COMMISSION/PRIORITY: Follow process and provide input to each step of the process. Assist with public engagement and comment as process moves forward.
 - Discussion: Columbia River EIS potentially will affect plan (temp controls at Hungry Horse for salmon downstream) – Lake County has a seat at the table.
- **Orphan Issues: HIGH PRIORITY**
 - WHAT: cutting edge of emerging issues that haven't been championed. Potential opportunities/emerging issues. Gravel pit issues, proposed ski resort on glacier, etc.
 - WHO: Various (depends on issue)
 - ROLE OF COMMISSION/PRIORITY:
 - Discussion: Issues such as non-mining transboundary issues. Jumbo Ski Resort (on glacier). Gravel pit is a water quality issue – many in the valley/basin/headwaters.
- **Rail safety/spill prevention & response: MED PRIORITY**
 - WHAT: Prevention and response preparedness in the event of a rail spill into waters of the basin.
 - WHO: Rail companies, state and federal agencies, Conservation Districts, FLBS
 - ROLE OF COMMISSION/PRIORITY: Advocate for protection; coordinate with response agencies/entities; bring community concerns to the conversation; become 'go to clearinghouse'; determine effects of rail spill (work with FLBS).
 - Discussion: Take leadership in rail safety issue. Characterize as 'natural resource emergency preparedness' or stick with just railways? Pre-mitigation and preparation for natural disaster response (e.g. fire, flood, spills). Decision to keep it focused on rails for the time being (otherwise quite nebulous).
- **Columbia River Treaty: MED PRIORITY**
 - WHAT: Renegotiation of long term Columbia River Treaty agreement between the US and Canada. Implications for the

	<p>basin: operation of Libby/Hungry Horse, mitigation. Process initiated (renegotiation), Tribes not invited to the table yet.</p> <ul style="list-style-type: none"> ▪ WHO: State Dept., Northwest Power & Conservation Council MT reps; DNRC; Legislature; 15 Tribes of the Columbia River Basin. ▪ ROLE OF COMMISSION/PRIORITY: Probably not a leadership role – monitor activities. Request update from MT reps. <ul style="list-style-type: none"> ○ Transboundary issues/headwaters protection: MED PRIORITY <ul style="list-style-type: none"> ▪ WHAT: Implementation and monitoring of MT/BC MOU (moratorium on mining in the headwaters), logging/clear-cutting, land use issues, etc. ▪ WHO: NPCA, CMP, CANFOR, Canadian provinces, CSKT. ▪ ROLE OF COMMISSION/PRIORITY: Monitor activities; advocate protection of headwaters with Canadian partners that manage lands; public engagement; be prepared to respond. ▪ DISCUSSION: Fill BC vacancy on FBC to increase communication and advocacy opportunities. Elk River mining concerns (but outside of Flathead Basin). Selenium issue/Teck Coal. ○ Climate change: MED PRIORITY <ul style="list-style-type: none"> ▪ Discussion: changes to hydrology in basin already being seen. Engage the public in the issue. Carbon sequestration credit system ▪ Explore potential for developing coordinated Adaptive management Plan development: work with Whitefish, Glacier, FLBS, USGS, NPS, UM, EPA ○ Congressional/legislative coordination: REGULAR BUSINESS ○ Local and regional coordination: REGULAR BUSINESS <ul style="list-style-type: none"> ▪ WHAT: Ensure coordination with local and regional efforts/organizations that work on natural resource issues. ▪ WHO: FLBS, Flathead Lakers, Clark Fork Kootenai River Working Group, Swan Lakers, Clearwater Resource Council, Counties, Conservation Districts, Crown Managers Partnership, Pacific Northwest Economic Region, North American Lake Management Society, Lakes Commission, Trout Unlimited, Montana Wilderness Association, Tribes, state and federal agencies. ○ Other/emerging issues: AS NEEDED <ul style="list-style-type: none"> ▪ Growth policies ▪ Fisheries ▪ Large Lakes Conference/Symposiums <ul style="list-style-type: none"> ✓ WLI is hosting Montana Lakes Conference March 2019. FBC can assist with planning/implementation and potentially financial assistance. ✓ Be a forum for public engagement on basin natural resource issues
Rich Janssen	<p>Public Comment</p> <ul style="list-style-type: none"> ▪ Tom Bansak (FLBS): The more water quality monitoring the better, agrees AIS is covered by other orgs at this point. Swan Lake water quality - Swan Lake Conservation Group doing volunteer monitoring. South basin of has heard zero dissolved oxygen. Three year trends. ▪ Robin Steinkraus (Flathead Lakers): Wants to continue to partner and work on common goals. FBC has important role in deliberating on new issues and has

	<p>powerful voice. In unique position with federal and state agencies at the table with local partners. Doesn't want to lose commissions voice re: AIS. Stay engaged.</p> <ul style="list-style-type: none"> ▪ Bill Baum- Is there interest in having experts coming in to inform on topics? Yes. Dr. David Trexlar, Dinosaur Museum • Chip Weber: Will send Kate info on Resource Advisory Committee (soliciting members).
Next Steps	<ul style="list-style-type: none"> • Next meeting: Kate to doodle for early to mid-October. • Location: Polson (CSKT to host at KwaTaqNuk Resort)
Wrap up	<u>Motion</u> to adjourn (Ed Lieser). 2 nd (Dean Sirucek). <i>Motion passes.</i> Adjourned at 3:18 PM

4. Action Items				
Action		Assigned	Due Date	Status
1	Send out draft minutes and updates	Kate Wilson	6/25/18	Completed
2	Next meeting date (doodle poll), location and logistics – mid-October	Kate Wilson & Executive Committee	8/1/18	Completed
3	Send Watershed Protection Advocates of NW Montana letter via email and copy to all board of directors that are known	Kate Wilson & Rich Janssen	6/22/18	Completed
4	Reach out to other groups in basin for discussion on priority issues and potential partnerships	Kate Wilson	12/31/18	On-going
5	Invite CSKT to present on priority water issues at future meeting	Kate Wilson	6/15/18	In Progress – focus on compact at Oct mtg
6	Invite DEQ to provide more in-depth information/presentation to next meeting (data, trends, monitoring results and gaps, etc.). Check with EPA and Lake/Flathead Conservation Districts (have watershed restoration plans to address TMDLs).	Kate Wilson	8/15/18	Completed
7	Invite MT reps in Columbia River Treaty to next meeting for update on process/MT position	Kate Wilson	8/15/18	Completed – conflict for Oct mtg
8	Take priorities identified in strategic planning session and draft into more detailed work plan.	Kate Wilson	10/10/18	Completed
9	Kate to reach out to WPIC for consideration of addition of topic to July meeting	Kate Wilson & Mark Bostrom	6/25/18	Completed
10	Discuss septic leachate issue and proposal with WPIC committee chair	Ed Lieser	6/30/18	Completed
11	Request assistance from Commissioners with website development when necessary	Kate Wilson	On-going	In progress
12	Vacancies on FBC – one citizen, Gov appointed member; one EPA ex-officio position; BC representative	Kate Wilson	On-going	In progress

FLATHEAD BASIN COMMISSION

KwaTaqnuk Resort (49708 US Hwy 93)

October 10, 2018

AGENDA

10:00 AM	Welcome & Introductions	Rich Janssen, CSKT (Chair)
10:15 AM	Discussion/approval of June 20 <i>DRAFT</i> Minutes	Kate Wilson, FBC staff
10:20 AM	Staff update: activities/events; projects; draft work plan; financials/budget status; website transition plan	Kate Wilson
10:45 AM	Action items: Remaining USFS AIS grant funding; UC ³ Joint Letter; septic leachate update	Rich Janssen; Kate Wilson; Ed Lieser, FBC; Mike Koopal, Whitefish Lake Institute
11:15 AM	Agency Budget Update: FBC proposal submission; DNRC watershed grant opportunities	Mark Bostrom, DNRC
12:00 PM	LUNCH (<i>provided</i>)	
1:00 PM	Summary of recent & ongoing DEQ Activities and Flathead Basin water quality standards	Myla Kelly, DEQ
1:40 PM	CSKT Water Compact: Overview & Updates	Kathy Olsen, DNRC; Dan Salomon, former Water Compact Commissioner (<i>invited</i>); Seth Makepeace, CSKT
2:30 PM	BREAK	
2:45 PM	2018 Activities at the BNSF Former Tie Treating Plant	Roger Hoogerheide, EPA; Kathy Olsen
3:30 PM	Discussion: Upcoming agenda items; winter meeting schedule, emerging issues	Rich Janssen
3:45 PM	Public comment	Rich Janssen
4:00 PM	Wrap up and discuss/set next meeting date	Rich Janssen

All Flathead Basin Commission (FBC) meetings are open to the public. The FBC will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting. Please contact Kate Wilson (kate.wilson@mt.gov or 406-542-4282) as soon as possible before the meeting date.

MEETING MINUTES

Meeting/ Project Name:	Flathead Basin Commission		
Date of Meeting:	Oct 10, 2018	Time:	10:00 AM – 4:00 PM
Minutes Prepared By:	Kate Wilson	Location:	KwaTuqnuq Resort (Polson, MT)
1. Welcome and Introductions			
Rich Janssen	Welcome. Rich opened at 10:07 AM. Overview of agenda. Tribe manages resort. Enjoy what we have to offer.		
Introductions (Roundtable)	Each participant introduced themselves including name, location and organization/interest that they are representing. Confirmed quorum present for voting matters (8 voting Commissioners required).		
2. Attendees			
Commissioners/staff: <u>Rich Janssen</u> (CSKT), <u>Mike Koopal</u> (Whitefish Lake Institute/Upper Columbia Conservation Commission), <u>Kathy Olsen</u> (DNRC Kalispell), <u>Steve Frye</u> (Governor-appointed member), <u>Gary Krueger</u> (Flathead County Commission), <u>Dean Sirucek</u> (Flathead Conservation District), <u>Mark Bostrom</u> (DNRC Helena), <u>Chip Weber</u> (USFS, Flathead National Forest), <u>Dave Stipe</u> (Lake County Commission), <u>Jack Potter</u> (Governor-appointed member), Kate Wilson (DNRC/FBC & UC3 Commission Administrator), Myla Kelly (DEQ – for Tim Davis), Brian McKeon (Glacier National Park - for Jeff Mow), <u>Mark Rellar</u> (BPA), <u>Jim Simpson</u> (Lake County)			
Commissioners (by phone): <u>Ed Lieser</u> (Governor-appointed member)			
Public/Other: Patrick Reilly (Missoulian), Robin Steinkraus (Flathead Lakers), Tom Cox (Flathead Lakers), Bernie Azure (Char-Koosta News), Yueh Chuang (BNSF), Nicky Oullet (MPR), Roger Hoogerheide (EPA), Seth Makepeace (CSKT), Representative Dan Salomon			
3. Agenda and Notes, Decisions, Issues			
Presenter	Topic/Discussion		
Kate Wilson	Discussion & approval of draft Minutes <ul style="list-style-type: none"> • June 20, 2018 (Kalispell): Quorum and notetaker; official Minutes). Change date and Ed's last name <ul style="list-style-type: none"> ○ <u>Motion</u> to approve as official minutes as modified (Jim Simpson). 2nd (Dean Sirucek). All in favor. None opposed. <i>Motion Passes</i>. 		
Kate Wilson	Staff Update work plan, financials/budget, website <ul style="list-style-type: none"> • Staff update/report <ul style="list-style-type: none"> ○ Previous meeting follow up/planning for next meeting ○ Executive Committee planning/meetings (bi-weekly) ○ Monitoring Flathead Basin natural resource issues ○ Aquatic invasive species media/outreach augmentation ○ Council of State Governments West - River Governance meeting: Columbia River Treaty, Snake River dams, Aquatic invasive species ○ Lakes Commission meeting: BPA/Idaho Fish & Game Agreement ○ Large Lakes Conference submission (priorities/work of FBC) & booth ○ Assisted with septic leachate study bill proposal to WPIC • Budget update/discussion: Balance FY19 9/30: \$11,834/\$20,175 (operating) <ul style="list-style-type: none"> ○ Proposed budget - \$10,000 (remainder of FY19): Member travel/Meetings \$4,200; Website \$4,500; Display/materials \$1,000; 2017-2018 annual report (printing/design) \$300 		

	<ul style="list-style-type: none"> ○ Add Lakes Conference – range of sponsorship goes from \$1000-\$10,000 ○ <u>Motion</u> to sponsor Lakes Conference at \$1000; amend budget from website and display materials (Chip Weber). 2nd (Dean Sirucek). All in favor. None opposed. <i>Motion passes.</i> ● USFS AIS Grant – Overview of expenditures <ul style="list-style-type: none"> ○ AIS outreach/advertising augmentation. Worked with FWP to use existing messaging and ads. Allocated \$7653 towards late season advertising in/near the Flathead Basin (TV, radio, gas station TV, online/geo-targeting, print). At June meeting – FBC voted to allocate \$10k to executive committee to spend. Balance of \$8944 (need decision today on allocation). ○ Chip: Still intending to see if funds can be renewed. Work with Dennis at BOR to see if there is funding available to continue for future years. Standing charge with Craig to try to come up with funds to work on efforts. Parameters are broad for funds – AIS prevention. ○ Briefing in Helena on all inspection station partners (FWP) – how went, what we could do better. Hold off on decision today – wait until better informed about issue. How stations fit in to larger state picture, etc. ○ Discussion: <ul style="list-style-type: none"> ▪ Gary Kruger – outreach vitally important. We can fund a little portion of an inspection station, but to stop AIS from entering state, have to do it with education. People have got to know what to do – we can't saturate that information market enough. So hard to get information out. Use internet ads more. Target travelers that arrive at odd hours. ▪ Mark: Any number of partners that we could join with to get those messages out – League of Cities & Towns, tourism, chambers of commerce, Montana Tourism Bureau, etc. ▪ Dean: If we can help implement the pre-season/early inspection on the continental divide, I think that is very valuable. Lots of fishermen go back and forth. Facilitate one of the stations early in the season. ○ <u>Motion</u>: Get info from AIS debriefing & report to Exec Committee for decision on how to spend remainder of grant funds (Mike Koopal). 2nd (Chip). All in favor. <i>Motion passes.</i> ● Website <ul style="list-style-type: none"> ○ Transitioning from flatheadbasincommission.org to flatheadbasincommission.mt.gov (using vendor to assist with design, layout, content and navigation). For the interim, while new site is being designed, working with contractor to remove all pages on all site and replace with a single landing page – meeting information, reports, etc. ○ Old website being shut down but new one will be stood up (www.flatheadbasincommission.mt.gov). RFP process resulted in vendor selection (Windfall, Missoula-based firm). Late winter/spring, will be ready to launch new full website. ○ Discussion: Detriment to have old website up at this point. Full of inaccurate and out of date information. ○ DNRC/FBC staff to maintain content once designed and launched with help of Windfall. ACTION: Kate to request assistance with populating and structuring site when the time comes – and have contractor come present at meeting.
Kate Wilson	<p>Work Plan – Presentation/Discussion</p> <ul style="list-style-type: none"> ● Based on strategic planning discussion at June meeting ● Guiding Document: Strategic Plan 2016-2020

- Assist with staff time prioritization and Commission focus
- Focus meetings on subjects that best align with work plan
- Revise/reevaluate in fall/winter 2020
- Discuss concept/organization today, Kate to draft plan once in agreement. Focus on general concept. Are we capturing our priorities?
- 3 Categories: **'Primary FBC Focus Area,' 'FBC Support Role,' 'Regular Business'**

FBC Focus Area	FBC Support Area	FBC Regular Business
Water Quality – monitoring, trends, protection	Aquatic Invasive Species – prevention and management	Congressional and Legislative Coordination – protect and conserve natural resources
Conservation Planning – fish, wildlife, recreation, community	Rail Safety/Spill Prevention – mitigation and response	Local and Regional Coordination – provide a forum on natural resource issues for the community, stakeholders & the public
Track & Respond to 'Orphan Issues' – Advocate for addressing emerging natural resource issues in the basin	Transboundary Issues – headwaters protection, international coordination	Provide a Regular Presence within the Natural Resource Community – advocate for and participate in conservation issues

Discussion:

- Orphan issues – climate change too big and broad to include without a really focused task. Global issue. Too big. Climate change needs more focus – what is within our power to change
- CDs ex. – natural resource issues (flood, fire, etc.) associated with climate change. Natural resource oriented organizations have a role to play and a seat at the table.
- Whitefish Climate Action Plan Committee ex. Source water protection, resilience. Natural resource consequences of climate change – distribution of native fish species, lack of ice cover (already seeing), ecosystem effects. Seems like there is a role to provide education to the public. Direct/indirect impacts of climate change
- Jack: Topic going to be part of MT Lakes Conference? Mike: Not yet, but could be. Put in a plug for that. Daniel Issak (USFS Boise) – stream temperature work. Jack: Dan Fagerty a good resource as well.
- Jim: Anyone seen 'living in the era of mega fires.' FBC role in something like that – all facts. Forest fuels focus. Chip: Agree, pretty informative. Couple of scientists sponsored by USFS to go around to communities and understand larger phenomenon that is going on. Jim: A good platform for discussion on potential role that FBC could have on this – smoke, fires, runoff, erosion, etc. Chip: Tie to watershed would be even more valuable.
- Gary: Issue with taking position on planning. Could step on toes of county commissioners, planning boards, applicants, etc. if FBC got involved with those processes. Gravel pit example – goes through extensive permitting process (county, DEQ, board of adjustment, etc.). Is that a primary focus of the FBC? I question whether that's our duty. If we are to look at/provide information to the public (as is our duty) to be an information outlet. Raise a red flag to get involved; I don't believe that's where we should focus our efforts. Counties have to follow state laws – shouldn't FBC fall into same category? Don't like that idea of being involved in state zoning.
- Mark: Looking at strategic plan, would it be more amenable to your view if duty 1C under plan – 'identification of...' as more of an informational piece? Gary: Yes, information not an advocate for or against something. Kathy: Agree.

	<ul style="list-style-type: none"> • Kathy: Climate change – suggest changing to ‘environmental’ more likeable. Jack: Doesn’t help to dance around issue. Nothing advantageous to avoid it. Gary: Dust Bowl – taught people how to plow their fields different. Education and outreach to help people understand what was happening and change it. Start of CDs. • Mike: AIS – capture updates and information from beyond UC³ – state as well. EQC funding proposal, etc. • Chip: Economic opportunity part of mission. Need to capture that portion of our mission, which is about protecting but also wisely using resources. FBC hasn’t focused on that part of our mandate – I think it’s about being able to use something while also protecting it. We haven’t talked about it at all during my time on the FBC. We focus more on the protection side of things. • Mark: Couple of items came from the Governor’s Office – Natural Recreation. DNRC has private land access program. Potential speakers for future meetings. • Dean: Timing wise – doing to be some serious discussions about water quality in the basin. We have had a couple of public forums on water quality in the past. • ACTION: Kate to draft 2 year work plan based on category concepts and discussion.
Kate Wilson	<p>UC3 Joint Letter (AIS Prevention Partnership)</p> <ul style="list-style-type: none"> • Concept – demonstrate collaborative partnership on AIS prevention, continue to keep AIS a priority for waters in the Upper Columbia, celebrate successes and address challenges and gaps (from both Chairs) <p>Discussion:</p> <ul style="list-style-type: none"> • Chip: Agree important – focus on importance of issue. Jim: Is that necessary? Don’t people know that we’re working together? Jack: Focus on what we want people to do. Here’s where we are, here’s where we’re going, what you can do • <u>Motion</u>: letter to editor, working together and focus on where we are/where going/what you can do (Jack Potter). 2nd (Steve Frye). Discussion: Executive Committee to draft, send for review to FBC and UC3. All in favor. <i>Motion passes.</i>
Ed Lieser & Mike Koopal	<p>Septic Leachate Study Bill Update</p> <ul style="list-style-type: none"> • Ed: Water Policy Interim Committee (WPIC) did not act on the issue at the September meeting as we had hoped. Followed up with WPIC Vice Chair to try to find out what happened (didn’t make it to the agenda as an action item). Followed up with WPIC members and had trouble getting feedback. Vice Chair suggested that probably wouldn’t pass if it came to a vote. • One of legislators from Flathead saw potential for some kind of regulatory legislation, despite the fact that this was just a study bill that would study the issue further. • On the advice of the Vice Chair, he suggested that he would bring it up for a vote if we believed that it would pass (needed 6/8 votes). But a negative vote coming out of WPIC could be detrimental to efforts to move something forward in the session. • Ed and Mike came to conclusion that we weren’t going to ask Vice Chair to bring to vote. Alternately, they propose to work with other legislators in the Flathead Basin to see if they might support a study bill. We have reason to believe there might be other legislators NOT on WPIC that may view this favorably. • Now going to try to get support from local legislators. Have legislator from Whitefish (Rep. Dave Fern) who is interested in helping build support for the concept for a study bill in the upcoming session. • Mike: Great summary. Worry that if WPIC didn’t pass it, would send the wrong message to the legislature. Didn’t want to risk that negative vote. Fall back to strategy of forming team – same idea as AIS bill in the last session. Not sure if they will want to change language of study bill or not.

Discussion:

- Kate: Can you still do study bill outside of WPIC? Ed: Yes. I've actually introduced a few study bills – just have to make the deadline during session for drafting study bills. Mark: Pre-introduction has to take place before transmittal – beginning of March?
- Mark: Saw another study bill being contemplated at EQC – general discussion amongst legislators. Why study it if you know it's an issue? Motivation to move to action phase. Maybe when I get to my talk about funding sources, there is potential that FBC could move towards more of an action to get funding source for counties to dole out. Lewis & Clark example – revolving fund used for septic monitoring/failing septic update program. Those are actionable items that we could move forward on.
- Jack: Don't you have to know where problem areas are first? Mark: Well between studies that have been done and DEQ monitoring, probably can narrow down. Dave: Lake County aware of where the worst areas are – community dynamics are difficult though. They all want different things. They had over \$500k to put in sewer system and basically killed it based on \$40/month maintenance fee. Some good sewer systems coming out that address water coming out (alternatives to effluent going to lake). Ground application system – relatively inexpensive (pressurized system). Could see that working on a lot of the lake (like the eastern shore). Gary: The problem that I have as a Commissioner when we do this is that we have different agencies that deal with different things. Non-degradation review out of DEQ (Helena). Here as an FBC member, can't put it back on the county commissioners. If the legislature wants to take that on, they need to direct it.
- Mark: Study bill not just monitoring – but also sociopolitical and funding issues. WLI working on issue for the last 9 years. It's a very complex issue nation-wide. Newer technologies coming out. Need to find matrix. Inform local groups to give them the right tools to manage issue and multiple jurisdictions.
- Ed: This is what FBC was created to do – bringing to the legislature a problem that requires a response. I just think that there are other states working on the issue – look at jurisdictional review. There is new technology. Funding issues. Let's put this all together. Legislative Services staff does great research – study bill could work well.

Discussion:

- Jack: Modify so not just a study bill. Mark: As this moves forward, important to talk to the Governor's Office too – keep them informed about what we're doing (as Executive Branch Agency).
- Mike: FBC assist whoever is going to study bill in garnering support from other legislators. Gary: Need a majority of Flathead legislators. We're going to get told no. When we get that we should support this. Ed: Agree, we need to get a majority of legislators on board. That's the work that has to be done in order to get the study bill through. Chip: Still have to take the first step to address the issue. Gary is identifying the process that we need to use.
- Jim: Business of managing human waste not a flathead basin issue, it's a national issue. If at some point communities don't step up and start taking care of this issue, septic tanks and drain fields will move from non-point source to point source. It's really important that we set a model for what can be done locally. Are we ready to move ahead with request for study bill? Do we need support first? Is it reasonable to assume we have the time to get the majority?
- Dave: Should have bill written right now. You don't start writing a bill in December and have much of a chance. Need legislators and Governor's Office on side now for something to pass. I think we should start working on it and if we don't make the session, we take to the next one. Still pursue.

	<ul style="list-style-type: none"> • Ed: As we pointed out earlier, this can be worked on during the session. Could be some efforts made while they are in session in January. Working with Natural Resource Committee in both House and Senate – that’s where you have their attention. I don’t believe that it’s necessary to garner all support in advance. Mike: We’re pretty much looking at the bill already – we have it plated for a sponsor and legislative support in the basin. Actively pursue it now. Even if we don’t get broad-based Flathead Basin support, still putting this on the radar of the legislators. • <u>Motion</u>: Pursue support from a Flathead Basin legislator to carry the study bill into the 2019 session – FBC to help garner support from other legislators (Ed). 2nd (Jack). In favor: 10. Against: 1 (Gary). <i>Motion passes.</i>
Mark Bostrom	<p>Agency Budget Update & Grant Funding Opportunities</p> <ul style="list-style-type: none"> • Base funding balance \$11,834 (operations). Allocation for FY19 \$20,175. Natural Resource Operations Account funded by oil and gas revenues – how FBC funded. Have to have cash in account to pay out. Hardrock mining program changes – needed \$2M bailout from the general fund (2018). This is why FBC base funding was reduced. Montana Water Resources Association supply workers for small community water systems – they also had a large reduction in base allocation. Some new activity with the price of oil rising again, but it has been slow. • Request for appropriation - \$40k for increased base funding. House Bill to Governor’s Budget (starting point for legislature). FBC allocation is in there as a line item. Will need additional support when testifying in front of the legislature. Different perspective from agency advocates (Commission members). Annual appropriation would be \$60,175 if proposal successful. • Other related: AIS funding legislation. Kate’s position was one time only, so put in for FTE with legislature to make position permanent. • Jack: Do you think that will be effective? Mark: Becomes a ‘cat and dog bill.’ Talking to budget director on Friday – go into details on FTE and proposed budget request. If moves to legislature for consideration, could use FBC members support. • \$500k in AIS grants has come from HB 7 Reclamation Grants – intended for abandoned mines, oil wells (non-renewables), not AIS. AIS grants identified as ‘critical state need’ 4-5 years ago. But now need to get AIS grant funding source out of new AIS allocation. <p>Watershed funding opportunities:</p> <ul style="list-style-type: none"> • Look at options as potential sources. If non-point source is something that FBC wants to pursue, I would suggest starting discussions with DEQ sooner than later (319 grants). Get on the radar now for potential funding. There are completed TMDLs and watershed plans in the Flathead Basin, so good fit. • DNRC Watershed Management Grant – could request funds for both watershed planning and Big Sky Watershed Corps (BSWC) member (get additional help for 8 months). No match required. Some of the BSWC members have been exceptional staff. Take advantage of programs like this to augment watershed work. Provide capacity to local organizations. \$6000 of watershed grant can go towards BSWC. • Lack of capacity at FBC. Going to be limited at state level, so local, state and federal grants a good way to build capacity. Human resource and labor capacity. • ACTION: Kate to email grant opportunities out to the FBC (hard copy only). • ACTION: Chip to work with watershed staff on looking at opportunities that may work for state/federal partnerships. • Jack: In current situation, who would write grants? Mark: Kate. FBC is a ‘Title 2 state agency’ (a government entity). Who would supervise A Big Sky Watershed Corps

position if we applied? Kate or Chair. Also have to think about \$1000 allocation for BSWC – need to help find office, rent, etc.

Myla Kelly, DEQ

Flathead Lake TMDL

- Myla – section supervisor of Standards Section. Going to go through a few updates and highlights of what DEQ is working on in the basin, but open up as conversation.
- Flathead Lake water quality standards
 - Have been on the table since 1995. Criteria: Nitrogen, clarity, etc.
 - Level at which standards are set (may want new beneficial use – e.g. ‘unique scenic beauty’). Values to protect beneficial uses are set to ensure that no harm will come to aquatic life. If different from aquatic life, what would we call that value? Talk about as something beyond human health or aquatic organisms. Lake Tahoe example (‘all values’ – such as water clarity).
 - Compliance point: whether standards are being met. Implication for dischargers – lake models, DEQ, FLBS food-web model.
- Background/timeline
 - 1970s -present: Scientific studies by UM’s Flathead Lake Biological Station
 - 1980s: Basin-wide P ban, Flathead Basin Commission
 - 1992-1998: Flathead TMDL Team develop lake targets*Team comprised local, state, federal, and tribal agency representatives, scientists, and other stakeholders
 - 2001, 2014: TMDL Phase I, Phase II (Phase II for nutrients pending; reliant on outcome of standards process)
 - 2014: DEQ proposes standards to BER for adoption; withdrawn due to concerns about insufficient upfront public input (TP, TN, chlorophyll *a*, and secchi depth)

- Once we have modeling scenarios done, can have technical experts come to discuss proposed standards
- ‘A-1 Use Class’ = highest level of protection afforded a state water (drinking water, swimming, recreation, fisheries, waterfowl, agriculture)

Water Quality Parameter	Provisional Recommendations of the Flathead TMDL Team (1995)	Final Recommendations of the Flathead TMDL Team (1998)	Proposed Standards in Circular DEQ-12A (2014)
Total phosphorus (TP)(µg/L)	5.5	5.0	5.0
Total nitrogen (TN)(µg/L)	98	95	95
Phytoplankton chlorophyll <i>a</i> (µg/L)	1.01	1.0	1.0
Secchi depth (meters)	10.8	n/a	10.4
Primary productivity (g C/m ² /year)	n/a	70 ^a	n/a
Soluble reactive phosphorus (µg/L)	n/a	<0.5	n/a
Nitrate plus nitrite (as N)(µg/L)	n/a	30.0	n/a
Ammonia, as N (µg/L)	n/a	<1.0	n/a
Dissolved oxygen in hypolimnion	n/a	No declining trends	n/a
Algae blooms	n/a	No measurable blooms	n/a
Algal biomass on near-shore rocks	n/a	Stable or declining trend, measured as Chl <i>a</i> /m ²	n/a

The Flathead Basin Commission later raised this value to 80 g C/m²/yr because it was considered interim and could be adjusted later if other targets were not being met.

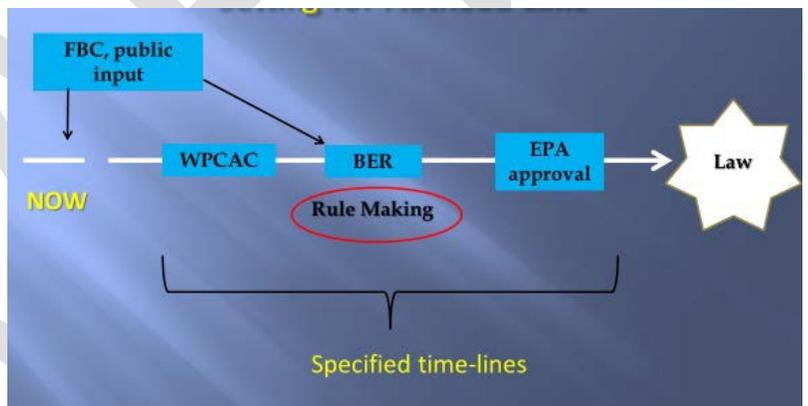
- All values vs. lake trout values vs. recreation & aesthetics vs. aquatic life and recreation. Lake trout cited likely because more literature on that species than protected species (e.g. bull trout).
- Proposing to adopt new beneficial use of ‘unique scenic beauty’ or something such as that value that would take water clarity into account for Flathead Lake – can be

implemented like any other water quality standard. If adopted, would apply just to designated lakes (not all A-1 lakes).

Discussion:

- Mark: Classification system for lakes? Was a proposal in the past. Myla: That hasn't really launched off the ground yet. Need assessment criteria for lakes as well. Only have one classification system for all surface waters (same designated uses).
- Mark: CSKT has only water quality standards. When they adopted, generally used what DEQ used on the books, but had culture and aesthetic values as well. What would happen if they adopted something different – would have different values on southern half of the lake. Myla: Goal to have a shared water quality standard. Work closely with CSKT on this to ensure consistency. Use mid-lake deep point as reference/compliance point (CSKT jurisdiction). DEQ relying largely on northern temperate lakes data.
- If standards adopted, how related to point/non-point sources? LSPC Model (watershed loadings), combined model with FLBS/DEQ. Will be complete soon-propose that we come back and walk through scenarios with FBC.
 - What would lake WQ look like with no point sources? Non-point sources? With current point sources discharging 120% (account for growth)? What is lake's sensitivity to changes in TN loading? TP loading?
- **ACTION: DEQ presentation to FBC when models are complete.**

- Role of FBC/public input: Now open. May need additional meetings with technical staff.



Discussion:

- Jack: Has 'unique scenic beauty' standard been used elsewhere? Does it pertain to shoreline development, house boats, etc.? Myla: Tahoe ex. Just a title under which criteria/values (since 1995) would be called. Different title a way of describing the condition that we're trying to protect. Attempt to be transparent about protecting current condition (e.g. not just aquatic life). Jack: Seems like a subjective criteria to try to achieve, quantify and defend. Myla: Could just call 'current conditions.'
- Mark: EPA beneficial used to only be 'swimmable' and 'fishable.'
- Dean: Reduction in nutrients (P and N) required to meet targets. Myla: Agree, when we talk about values being 'fairly stable,' we are looking at mid-lake deep point, could be different in other locations. When comes to choosing criteria, this is the type of discussion that we need to have on this topic. Will need to agree on criteria. Modeling should shed some light on criteria needed – future meeting discussion when the results are in.
- Jack: When there was an algal bloom, did it show up on mid-lake point? Myla: Yes. In depth discussion/presentation on models, bring FLBS and DEQ. Mark: Standard for ground water is 1000mg for total N. Variances from nutrient standards (Whitefish, first variance)

	<ul style="list-style-type: none"> • TMDL: Water quality plan where water quality is analyzed for pollutants (impairments), allocate impairments to those source. Many restoration projects in the basin over the years. • Monitoring & Assessment: enhancing volunteer monitoring program (accepting applications in February) and equipment loaning (same timeframe). • Harmful Algal Blooms – statewide reporting systems <ul style="list-style-type: none"> ○ Big issue particularly in the Helena area. Led to state reporting system. ○ A lot of public concern – excellent platform to discuss nutrient reduction ○ Hab.mt.gov = public reporting site (visually noting, then DEQ/local partners do follow upon toxicity) ○ Guidance on cyanotoxin levels – when signs should be posted, etc. ○ Continue to enhance reporting, education and monitoring efforts • Robin: timeframe for public meetings and comments on criteria? Myla: Hoping for November target. Working with CSKT on standards as well. Start public outreach once settled on criteria this winter/spring. • Dean: Rejuvenate interagency Flathead team? Myla: Great suggestion. We should do that. FBC would be interested in participating.
<p>Seth Makepeace, Dan Salomon, Kathy Olsen</p>	<p>CSKT Water Compact Panel CSKT: Seth Makepeace</p> <ul style="list-style-type: none"> • Compact: Quantified and conditioned water rights. Very unique to this compact is a ‘unitary management ordinance’ – void in regulatory permitting in water rights. ~2000 wells have been drilled during this time (not validated under state law). Compact would allow existing uses and bring them into compliance with state law. Would also provide a mechanism to permit new uses of water. • Sequential path: Approval by state leg, approval by congress, approval by CSKT, Montana Water Court Decree, full implementation (currently between 1 and 2) • CITT established in article 4 of Compact – includes Tribes, state of Montana (DNRC), irrigation project (BIA), Dept of Interior representative, private irrigator rep. • Indian Water Rights: Pueblo (New Mexico), Aboriginal Water Rights (time in memorial priority – senior priority date. Reflects aboriginal uses of tribes on landscape. Non-consumptive). Reserved (Winters) Rights – stem from Fort Belnap Decision (reserved for the tribes to use on homeland/reservation). Isacc Stevens Treaty – off reservation water rights (many tribes within Columbia Basin have). • Prior Appropriation: First in time, First in Right. Rare in Montana that prior appropriation would be overturned. • Consensual Agreement: Flathead Irrigation Project – can enter into agreement to share water of project (shared priority date). Means of protecting private irrigation uses. Instream flows in basin not affected by federal irrigation project. • Compact Water Right Filings: complete set of consumptive use/non consumptive use filings (based on balanced water budget) VS Water Court Filings (litigation): maximize Tribal claims. • Conditions on call of Tribal Water Right in the Upper Flathead Basin (north of the reservation) – call cannot be made on any water right in the Little Bitterroot Basin upstream of the Reservation. Call may only be made against: junior surface water irrigators whose point of diversion mainstem of the Flathead river (including North, Middle and South Forks)

- 17,369 active water rights in the basins upstream of Reservation – over 98% of water rights protected from call. Calls would predominately be made from irrigation from the Flathead River
- Compact has extensive protections in the Upper Flathead Basin. Future uses of water – development of reservation or ‘PIA claim.’ Tribes subject to same process as other users on the reservation.
- Flathead System Compact Water: Hungry Horse Dam/Reservoir provides for future uses; Kerr Dam and Flathead Lake as well.
- Benefit to Upper Basin Residents/State of Montana (dedicated 11k feet of storage).
- State of Montana provided \$3M to start working on Compact – Montana Compact Implementation Technical Team (CITT) initiated November 2015. Responsible for developing recommendations; follow open meeting laws.
- CSKT water monitoring program has been in place for a long time – 79 instream flow gauges (all irrigators using). Like USGS website – click on number and data available.
- State has obligated 10 years of funding for water monitoring efforts. Also putting in flumes and weir infrastructure (contract). Reservoir bathymetry to update irrigation project reservoir capacity curves – redoing the capacity curves. Lidar & boat-based sonar. Will lead to updated bathymetry.
- Additional CITT projects under review: Piping lower Jocko K Canal, Lateral water measurement.

Rep. Dan Salomon

- Compact Commission disbanded in 2015 when ‘job done’
- 2013 brought initial plan to legislator. Negotiated another 1.5 years, before bringing back to state legislature. Passed.
- Now moving on to the federal level – discussions not always on the actual compact (historical issues, etc.). Hope to get something through at some point and come back to Tribal Council. Tribe not going to give up ability to protect themselves with water rights claims.
- Compact Commission – CSKT was the last one of many. Not just tribes but National Parks, etc. Commission made recommendations on all of them.

Kathy Olsen – DNRC

- 10k claims sitting in limbo right now with the Water Court (no Compact) vs. 308 claims (with Compact). All 10k claims have to be accounted for once they hit the ‘books,’ and will probably have to be accounted for until they are litigated.
- Would open up decrees that the Water Court has already ruled on – off of reservation
- DNRC: 6 criteria must be met in decision on water rights
- FWP has instream flows already set (1970-1980s). The Tribe would become co-owners on these rights instead of additional, individual water right owners. For new appropriations, the difference is whether we count these instream flow rights once or twice. Big impact on availability of future rights.
- Water Court decisions: 76LJ and 76L (Flathead River basin), last two basins to go through adjudication process. Deadline of 2018. Judge ruled that because of unknowns of Compact, have until 2020 to process.

Discussion

- Montana under pressure to get adjudication done and avoid delays
- Balanced water budget = 0.5 instream flows/0.5 irrigation
- In stream flows/allocations based on wet, dry or normal water years (change) – go down different trajectories. Not 50/50, different depending on basin.

	<ul style="list-style-type: none"> • Jocko Valley – more of the water stays in stream flows. Mission Valley mixed bag. Upper Bitterroot 85%. • Gary: Shared pain in dry years? Seth: On reservation, water is highly overallocated. Must share pains. Min enforceable instream flows = survival flows. No mechanism to share pain in current state program. • Dan: Without compact, go fishing. You won't be irrigating. Working on efficiencies – make sure we get to the targeted instream flows. The new ESA situations – will complicate this issue in the future w/o a Compact. • Dean: Upper Basin (Deer Lodge area) – many dewatered. Could calls be made on lower basin to address those shortages? Seth: conditioned and modified so that calls wouldn't be made on them in the foreseeable future • Milltown Dam Water Right – Dept. of Justice for superfund site. Then to FWP. To FWP and CSKT if Compact successful (1904 water right). Only water right that has the potential to change the palette of water use in that area (Clark Fork). • Murphy Rights – Blackfoot Challenge operates under this system. • Group of irrigators on the Clark Fork that would be subject to call – FWP will enforce that water right if needed. The main people that are at risk there are junior mainstem Clark Fork. • Dave: What if federal judge rules on Columbia Basin allocation (for Salmon) and Hungry Horse Dam? Seth: Hungry Horse flow – if enacted as federal law, addressed there, but would hear support from Montana Legislature as proposed as it keeps the water in Montana. • Tom Cox: What would congress have to appropriate for this? Seth: Federal Government uses water rights as a way to address former breach of trust. Very active topic of negotiations right now. Remains to be seen. Some examples: Crow \$485M; Blackfeet \$460M. Depends on damage issue claims (depends on placement of federal irrigation projects – especially if tribe has documented issues with project). Dan: Negotiation started at \$2.3B – goes to Office of Management & Budget. Can start the bill process again because US Rep (Utah, Bishop) put forward a letter regarding how claims can be brought to Natural Resource Committee. Seth: Top 2 amounts of money that comes out of that goes to federal water projects because so intertwined. • Gary: Will Tribes allocate any money towards clean water projects in the basin? Seth: Have spent over \$1M near the Bison Range to address irrigation return flows. Near the dam, efforts to address erosion. Fencing Dayton Creek (federal funds).
<p>Roger Hoogerheide (EPA Remedial Project Manager)</p>	<p>Somers Bay Update (BNSF Former Tie Treating Plant)</p> <ul style="list-style-type: none"> • Work all over the state on pollution issues: Somers Bay, Cascade County, Idaho Pole Site (Bozeman), Columbus, Lockwood, etc. • Tie Treating Plant: Operated from 1901-1986 – floated locks down river to nearby sawmill (processed all of lumber from the area). Treated 300k railroad ties per year (creosote and petroleum dilution – like diesel/heavy oil). Creosote thick 'like snot.' Wastewater generated during process – unlined cistern. Overflow ditch that ran into Flathead Lake. Used to be called 'Creosote Creek.' • Rich: Did this change when EPA was formed? Roger: Resource Conservation and Recovery Act (RICA) – regulates active facilities. Federal and state involved. Required disposal in lined lagoons for wastewater. • Operation of Kerr Dam in the 1930s caused the creation of a creosote swamp pond • Complex lithology – alluvial, glacial and lake deposits

- Listed as a superfund site in 1984. Taken off and deferred to RICRA in 1992. EPA placed BNSF under Superfund site (CIRCLA). Record of Decision 1989: Cleanup decision, contaminants of concern: 2,4 –dimethylphenol (most soluble), Benzene (High range Solubility), Naphthalene (mid-range solubility), Benzo(a)pyrene (Low range Solubility), and Acenaphthene (insoluble in water). Established site-specific groundwater and soil standards. 7/16 polycyclic aromatic hydrocarbons (PAHs) considered carcinogenic. Low to no solubility in water but are soluble in petroleum
- 40k cubic yard of soil excavated on 16-acre Land Treatment Unit – till soil and saturation (common for organics).
- BNSF will place deed restrictions on all BNSF property – EPA and DEQ reviewing currently
- 1985: Somers Bay surface water intake nearby – BNSF forced to address. 3000 cubic yards of soil/100k gallons of water removed from Swamp Pond. Backfilled with clean fill and beach armored with riprap to prevent erosion. 1986: agreement between USACE and lakefront landowners allowed for 10' pool elevation difference between summer/winter. 1988: Sediments in Flathead Lake along site removed.
- 2017: Someone walking on beach reported sheen on water coming off riprap to EPA. BNSF mobilized to sample the area. Turned out to be organic sheen. Came to the conclusion that something needed to be done to address erosion – would erode into Swamp Pond and create an issue (lake would be in Swamp Pond due to erosion)
- Chip: Did that address erosion? Roger: Yes. Adjacent property owner has proposed an extension of the gravel beach area. Working well. But patriarch has passed away, and now different vision. Sliter Corp. has voted to sell significant piece of property for the purpose of creating a public access site. FWP Kalispell public meeting this week.
- 1997-2004: Groundwater Treatment System - 5 extraction/10 injection wells. Alluvial aquifer. Allowed for demolition of system in 2018.
- Municipal water supply – impetus for listing on Superfund. Town switched to groundwater in 1989 (all residents on municipal water – no wells for potable use). Town well sampled semi-annually, no creosote detections.
- Saturated soils being treated as part of groundwater mitigation.
- Plume coming from former above ground storage tanks – ‘biosparge’ to stimulate microbial growth. CERCLA lagoon is anaerobic plume – well system with pump.

Kathy Olsen - Controlled groundwater

- 2003 established. Prohibits the installation of groundwater supply wells or the extraction of groundwater from the aquifer. June 2018 – Board of Health petition to revise boundary. No drilling allowed on site. No more wells in that area. Deed restrictions as well. Affect BNSF and 3 additional property owners.
- Yueh (BNSF): Contaminated groundwater expanded and flowing, so supported decision to expand the controlled groundwater area. Reflects entire area of plume that has been detected.
- Kathy: DNRC MOU with DEQ review subdivision proposals. Developer has to submit water source for development. Proposed private wells. Kathy talked to county and DEQ. Approached county – going to do everything we can to ensure that they hook up to municipal water.
- Kate: Future of property? Yueh: Need to protect investment – on the remediation project.
- Ed: Do everything we can to ensure that development connects to the municipal system. Kathy: Developer knows that would be cheaper to do individual wells. Somers system doesn't have capacity for 78 lot subdivision. Ed: No regulatory requirement in

	<p>place that acknowledges contamination that subdivision is proposing to develop? Kathy: Subdivision is north of the boundary. Yueh: Adding restrictive covenants to BNSF property. If they tried to tap the shallow groundwater, will not have enough water for subdivision (would have to tap into bedrock – very expensive).</p> <ul style="list-style-type: none"> • Dean: on county planning board – since DNRC reviews the development proposals, can go through the official pathway to share concerns with the county.
Rich Janssen	<p>Public Comment</p> <ul style="list-style-type: none"> ▪ None
Next Steps	<ul style="list-style-type: none"> • Next meeting: Kate to doodle for later in January 30; doodle for March and April – could pair with Montana Lakes Conference (March 13-15). Location: Kalispell (USFS) • New topic suggestions: legislative update (action items – what has been done/needs to be done), CR Treaty, BPA mitigation in Flathead Valley/EIA on Columbia River System Operations (Hungry Horse implications. Mark, CSKT and FWP), southern BC (CanFor in Flathead, Wild Site for opposite view – debate in Canada about env review process. Follow up with Chip for contacts. Kerry Becker Smith, John Bergansker), eDNA for AIS update (Tom Wolf, share report). Oil train group and Matt Jones BNSF update. Project ‘FreeFlow’ (high school science club – recreational site inventory for camping along the North Fork – March meeting. Edu opportunity). Follow up on TMDL modeling/standards. Executive Committee to discuss.
Wrap up	<u>Motion</u> to adjourn (Mark Rellar). 2 nd (Jack Potter). <i>Motion passes</i> . Adjourned at 3:57 PM

4. Action Items				
Action		Assigned	Due Date	Status
1	Send out draft minutes and updates	Kate Wilson	10/25/18	Completed
2	Next meeting date (doodle poll), location and logistics – late January/early February	Kate Wilson & Executive Committee	11/1/18	Completed
3	Attend AIS Inspections Workshop to get feedback from FWP/partners on allocation of remaining USFS grant funds	Kate Wilson/Mike Koopal	10/17/18	Completed
4	Follow up with USFS (Chip Weber, Craig Kendall) on fire video – promote at/from FBC	Kate Wilson	11/30/18	In progress
5	Draft 2-year work plan	Kate Wilson	1/15/18	Completed
6	Draft joint UC ³ letter on AIS importance/partnerships. Exec Comm to approve before submitting to local papers.	Kate Wilson	2019 season	In progress
7	Allocate \$1000 as sponsorship for Montana Lakes Conference (from operating funds)	Kate Wilson	12/1/18	Completed
8	Email grant opportunities out to the FBC	Kate Wilson	10/25/18	Completed
9	DEQ presentation to FBC when models are complete	Myla Kelly/Tim Davis		In progress
9	Work with watershed staff on looking at opportunities that may work for state/federal partnerships	Chip Weber		On-going
10	Reach out to other groups in basin for discussion on priority issues and potential partnerships	Kate Wilson		On-going
11	Invite CSKT to present on priority water issues <ul style="list-style-type: none"> • CSKT Water Compact (Oct mtg) – completed • Wetland restoration projects (winter mtg potential) 	Kate Wilson		On-going
12	Check with EPA and Lake/Flathead Conservation Districts (have watershed restoration plans to address TMDLs)	Kate Wilson		In progress

13	Invite MT/CSKT reps in Columbia River Treaty to update on process/MT position	Kate Wilson	11/15/18	Completed. Will encouraged members to attend town hall meeting 3/20
14	Take priorities identified in strategic planning session and draft into more detailed work plan.	Kate Wilson	11/15/18	Completed
15	Request assistance with populating and structuring site when the time comes – Windfall to present potentially	Kate Wilson	On-going	In progress
16	Address vacancies on FBC – one citizen (gov-appointed voting member); BC rep (ex-officio) <ul style="list-style-type: none"> EPA regional ex-officio position filled (Jason Gildea) 	Kate Wilson	On-going	In progress

DRAFT