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 *DRAFT* 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 (*provided*)	
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 (*invited*); 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:**	KwaTuqnuk 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: Rich Janssen (CSKT), Mike Koopal (Whitefish Lake Institute/Upper Columbia Conservation Commission), Kathy Olsen (DNRC Kalispell), Steve Frye (Governor-appointed member), Gary Krueger (Flathead County Commission), Dean Sirucek (Flathead Conservation District), Mark Bostrom (DNRC Helena), Chip Weber (USFS, Flathead National Forest), Dave Stipe (Lake County Commission), Jack Potter (Governor-appointed member), Kate Wilson (DNRC/FBC & UC3 Commission Administrator), Myla Kelly (DEQ – for Tim Davis), Brian McKeon (Glacier National Park - for Jeff Mow), Mark Rellar (BPA), Jim Simpson (Lake County)

Commissioners (by phone): Ed Lieser (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** • June 20, 2018 (Kalispell): Quorum and notetaker; official Minutes). Change date and Ed's last name ○ Motion to approve as official minutes as modified (Jim Simpson). 2nd (Dean Sirucek). All in favor. None opposed. *Motion Passes*.

Kate Wilson	**Staff Update work plan, financials/budget, website**
	• Staff update/report
	  ○ 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)
	  ○ 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

	○ Add Lakes Conference – range of sponsorship goes from $1000-$10,000 ○ Motion to sponsor Lakes Conference at $1000; amend budget from website and display materials (Chip Weber). 2nd (Dean Sirucek). All in favor. None opposed. *Motion passes*. • USFS AIS Grant – Overview of expenditures ○ 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: ▪ 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. ○ Motion: 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. *Motion passes*. • Website ○ 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	**Work Plan – Presentation/Discussion** • 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.

	• 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 UC^3 – 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	**UC3 Joint Letter (AIS Prevention Partnership)** • 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) Discussion: • 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 • Motion: 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. *Motion passes*.
Ed Lieser & Mike Koopal	**Septic Leachate Study Bill Update** • 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.

	• 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. • Motion: 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). *Motion passes*.
Mark Bostrom	**Agency Budget Update & Grant Funding Opportunities** • 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. Watershed funding opportunities: • 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)
	• 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

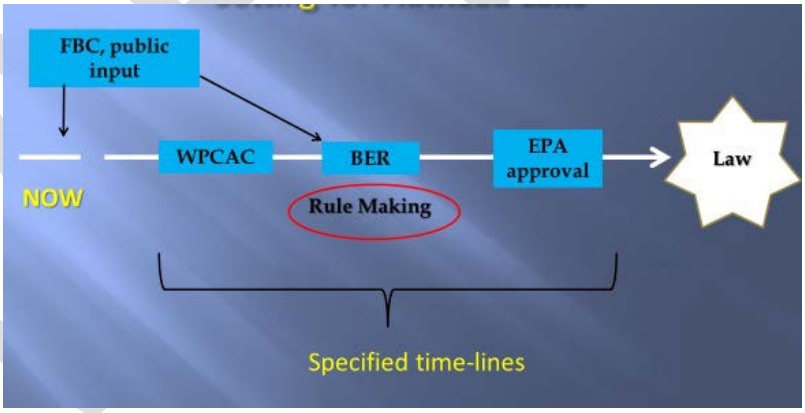
Water Quality Parameter	Provisional Recommendations of the Flathead TMDL Team (1995)	Final Recommendations of the Flathead TMDL Team (1998)	Proposed Standards in Circular DEQ-12A (2014)
Total phosphorus (TP)(µg/L)	5.5	5.0	5.0
Total nitrogen (TN)(µg/L)	98	95	95
Phytoplankton chlorophyll *a* (µg/L)	1.01	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*a* /m^2	n/a

The Flathead Basin Commission later raised this value to 80 g C/m^2/yr because it was considered interim and could be adjusted later if other targets were not being met.

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)

	• 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
	  ○ 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.

Seth Makepeace, Dan Salomon, Kathy Olsen	**CSKT Water Compact Panel** CSKT: Seth Makepeace • 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.

	• 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).
Roger Hoogerheide (EPA Remedial Project Manager)	**Somers Bay Update (BNSF Former Tie Treating Plant)** • 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 dilation – 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, contaminates 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

	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). • 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	**Public Comment** ▪ None
Next Steps	• 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 Woolf, 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	Motion to adjourn (Mark Rellar). 2nd (Jack Potter). *Motion passes*. 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 • 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) • EPA regional ex-officio position filled (Jason Gildea)	Kate Wilson	On-going	In progress