

Flathead Basin Commission Meeting
November 17, 2010
CSKT Tribal Council Chamber, Pablo

Attendees: E. Heger, Chas Cartwright, Jan Metzmaker, Jim Simpson, Dan Bangeman, Joe Lamson, Rich Jansen, Tom Smith, Clint Whitney, Mark Reller, C. Miske, E. Hanson, K. Campbell-Rierson, and V. Sloan.

Minutes from Retreat: Motion to approve minutes passes unanimously.

Executive Committee Member Election: Chip Weber and Tom Smith are nominated for the at large seat. Tom Smith withdraws and awaits the next opening. Vote for Chip Weber to assume open seat passes unanimously, and C. Weber will replace M. Sogard. The Executive Committee now includes: E. Heger, Chair; C. Cartwright, Vice Chair; C. Whitney, past Chair; J. Lamson DNRC representative; and C. Weber at large member.

Caryn Miske then reports on the status of the ANS work post the Aquatic Invasive Species Act (SB 343), and the possible positive finding on zebra/quagga mussels in Flathead Lake. Miske said that based on the image from the sample, various results were reported from different labs. Therefore, FWP in Helena sent the suspect sample for DNA testing, and FWP anticipates that results will be available by early December.

Jim Simpson asked if the larval form of zebra or quagga was found in the shrimp. Miske responded that the suspect samples were for plankton.

Miske also explained that FWP is working to get specially trained divers in the water as soon as possible to search for adult colony in the Woods Bay area.

A question was raised regarding a draft to help desiccate and adult colony. Miske said that if an adult colony was found a draft could be requested, but a draft for power operations would occur regardless; draft limits would be difficult to change given downstream salmon concerns; and the draft may not necessarily be sufficient to adequately desiccate a colony.

Miske then discussed specific AIS concerns related to the FBC, and pointed out that at the end of the year no more funds from the Department of Agriculture will be forthcoming, unless the contract amendment for additional funds is approved. She also discussed the possibility of a Cooperative Agreement with The Dept. of Agriculture which would place us first in line when local funding opportunities arose, and would provide for greater autonomy at the local level (management area/mandatory check stations). Miske said that the goal was to continue coordination and facilitation of an integrated approach in the basin and surrounding counties to build a more robust AIS prevention/containment program.

Miske also noted that the AIS work group would be meeting on November 29 to look at options if the sample in the Flathead turns out to be positive.

She then discussed the need to work with State and federal partners and get money allocated to for AIS prevention, control and treatment. Miske noted that she was opening a discussion with the congressional staffers on this issue, as well as with Bruce Measure and BPA.

She explained that a boater fee is being considering in the new legislation, and the utilities may voluntarily agree to contribute to the State AIS fund.

Miske said that action at the local level were also needed, and this has been recognized by the Dept of Agriculture as they have provided the FBC with grant funding to hire a short term AIS coordinator/consultant in the Basin. However, with Eurasian water milfoil (EWM) in more places, it may be increasing difficult to find dollars to fund local efforts as treatment/containment of milfoil will require more resources as time goes on.

Miske is trying to get the local, Flathead Basin AIS plan incorporated into the federally approved state plan, which would hopefully open more doors for funding.

Jim Simpson said that the State needs an AIS Czar with power.

A strategic question was raised asking if we should put emphasis on the State not just Flathead, and focus on points of entry into the state, in order to get more support across the divide. Miske agreed that such an effort would be optimal and that the new AIS draft legislation would mandate boat inspections at points of entry into the state. However, funding for such an effort would be required (Idaho is spending over one million annually on inspection stations), and funding will be hard to come by during this session. She also pointed out that with EWM in the state, we will need to look at not just incoming boats, but will need to monitor boat movement within the state.

Chas Cartwright noted that the positive side of this potential positive finding in the lake, is that it gives us a short term opportunity to get some attention on the problem. He urged the Commission to be proactive, rather than reactive, and urged the FBC to continue its role in facilitation and coordination.

Ed Heger also agreed that we need to act. Heger said the frustration has been how slow things work with FWP and the Dept of Agriculture, and the possibility that we might face another season unprepared. Heger thought the best alternative for action is focusing on the Flathead Basin AIS work group and the Flathead AIS plan. He said that the FBC are not operators. The FBC can't spray boats or coordinate efforts. FWP or the Dept of Agriculture has the depth of operation and they should be responsible for such efforts.

Miske responded that the regional FWP office in Kalispell is a logical entity to spearhead the AIS effort, but they do not possess this type of autonomy. However, she noted that the regional FWP office was able to obtain \$100K from BPA mitigation funds, and these funds will be spent in the Basin to address the AIS issues. She said CSKT might also consider matching these funds with their own BPA mitigation funds. For example, the

tribes could have a tribally managed boat inspection station on the Highway 93 South. Miske responded that the FBC is not 'taking control' nor will the FBC be 'spraying boats.' Rather the FBC is keeping the ball rolling, facilitating coordinated actions, and finding funding sources (such as getting money from utilities). Working with the FWP regional office is an ongoing, continuing effort, but it is not realistic at this time to expect the local FWP office to completely shoulder the load.

Miske provided some examples of how the FBC is serving as a facilitator, and partnering to ensure AIS efforts are as efficient and effective as possible given the limited resources currently at our disposal. On education and outreach, the FBC can play an important role. The Dept of Agriculture and other sources could fund such efforts. We are working with Lake County on issues related to the AIS coordinator that is needed in the basin, and the County has offered free office space to defray costs. As Chas Cartwright alluded to earlier, the FBC is not trying to supplant the State effort – we are trying to supplement the effort and enhance local participation and control in order to develop a more functional program. If we do nothing, is just a matter of time until the mussels arrive (if they have not done so already).

Miske explained that she had attending an AIS Summit in Helena the month before, and it was clear that if things continue on the current trajectory we will not have a robust plan for the 2011 boating season. She also pointed out that even if the AIS bill instituting the boat sticker fee is passed, the funds generated would not be available at the start of the season, and perhaps not until 2012.

Miske also explained that the Dept of Agriculture and FWP recently signed an MOU outlining which agency has responsible for which program elements, and hopefully the MOU will assist with issues related to accountability and decision-making. FWP has primary responsibility for aquatic invasive animal species and the Dept of Agriculture has responsibility for aquatic invasive plants. Decisions on designating management areas would still be made jointly. However, she also expressed the concern that much of the inter-agency dysfunction seemed to be codified in the MOU, and it remains to be seen how effective the MOU will be in terms of accelerating program performance.

Ed Heger expressed concerns that the FBC was adding another level of bureaucracy to the AIS issue, and that the FBC might be biting off more than it could chew. He recommended more discussion related to this topic.

Tom Smith responded that the concerns raised were reasonable given staffing and fiscal limitations. But he pointed out that we have no time left. Smith pointed out that the Governor's office and FWP have known for a long time about this threat, yet FWP is still not actively pursuing mandatory boat inspection stations. Smith said that the FBC was not "taking control." The FBC is coordinating with other entities to make things happen and keep the ball rolling. He said the FBC needs to maximize the probability of keeping AIS out of the basin, and the FBC's continued role in this effort is important.

Ed Heger asked what “coordinate” means? Heger said that if we needed clout to do mandatory check stations, we can’t do that. We could raise funds. We can’t do the details.

Joe Lamson then raised several points. Lamson said that at the ANS Summit a wealth of information was provided. In my experience with the legislature, folks want a quality education, but what does that mean and what does it cost? The same questions apply here. I was involved with EWM in the Missouri. Over here, the notion is FWP can’t get its act together, and Agriculture is the white night. Over in the east, DNRC had the problem at Toston, and FWP did the heavy lifting. We need to figure out what does it cost to run the AIS program at the State level. At the Summit, we heard it cost \$70k per check station per season. If the State had 30 stations that would cost \$2.3 million just to manage the check stations. If treatment costs are included, we are likely at \$4 million per year. In the current budget, the Departments have \$600k for the biennium or \$300k per year. If a \$10 boat sticker fee is imposed, and the registered in state boats total 43,000 (not including out of state boats) the cost for the check stations will not be covered. To cover the just the inspection station costs the boat fee might need to be \$50 or \$60, and that is big issue.

Lamson then said that he was going to ride with the FWP folks from Helena but they canceled because they were getting the cold shoulder in the Flathead.

Ed Heger, C. Miske and others took issue with this assessment and noted that we have maintained a cordial and professional working relationship with FWP in Helena. Heger also acknowledged that FWP is strapped for sufficient resources to cover the AIS program expenses.

A discussion ensued about the frustration with the lack of progress with FWP, and the Flathead’s treatment of FWP personnel.

Chas Cartwright said the bottom line is to have a viable program on the ground this summer. If we don’t, shame on us. This is a leadership challenge, and we are here now, let’s do something.

Jim Simpson suggested that the FBC go to Governor’s office and request that the Departments adopt a coordinated approach. Miske responded that such an effort was underway.

Simpson then mentioned the coal tax trust fund. He recognized that accessing that fund might not be possible given that it was set aside for future generations, but it is worth investigating whether the principle or interest could be used to offset costs associated with the AIS program.

Joe Lamson explained that in order to access the fund, 75 votes would be needed in the legislature. In 2001, a loan was issued from the fund for education purposes, but such a feat is extremely difficult.

Simpson said that regardless of the difficulties, this still needs to be done.

Don Loranger then said that if you want to down size an organization look for the job titles that say 'coordinate.' This is not organizational challenge. Loranger suggested that the issue needs to be publicized as a big problem that needs moved ahead of other problems, and he believed that is where the FBC can contribute.

Jan Metzmaker pointed out the utilities are possible funding source for the AIS work.

Rich Jansen then explained that the tribes recently signed an Agreement with the State that requires a conservation stamp for access to the south side of lake. He also pointed out that the Tribal Council has been briefed regarding the potential finding of mussels, and he believed that the Tribes are interested in working with folks on this issue.

Caryn Miske then pointed out that SB 343 contemplated that local entities would work on AIS issue, and this is why the original bill included provisions for Cooperative Agreements. The benefit of Cooperative Agreements is that local entities would have greater control over the AIS program specifics, and a greater ability to raise funds. In the case of the Flathead Basin, our AIS Plan places us at a strategic advantage as we are the only group in the state with a local plan. Plus, if the Flathead AIS plan is appended to the federally approved State ANS plan, this would potentially open the door to additional funding sources which would allow us to mount a more effective AIS program.

Miske also confirmed that she had recently spoke with Mike Volesky about working with utilities to determine if some type of voluntary contribution could be arranged. She said that Volesky had not expressed any reservations about such a plan, nor does FWP receive funds from the utilities for the AIS effort.

Miske's primary assertion was that if the FBC did not step up, there was not another entity ready to work the AIS issue at the level that most of us in the Basin are comfortable with. She also pointed out that the FBC already has all of the key players at the table, and if an AIS coordinator (consultant) was hired, some of the Executive Director's time would be freed up to work on other issues.

She also explained that while she did not advocate a direct role in implementing the AIS program, such as operating wash stations, the FBC is and does implement. The FBC implements a volunteer monitoring program. In fact, it was a sample from one of our monitoring sites that raised the red flag on the possible mussel find. The FBC implements a groundwater monitoring program, the FBC implements surface water monitoring programs, etc.

Moreover, in the case of AIS related issues, it is the locals that will likely be the first to respond. Therefore, having an entity that can facilitate coordinated local action, such as the FBC, is important. Miske explained that a multi-state approach has also been

proposed by some folks, and that while this seems like a good idea, the regional approach is not currently operational, and we need to move with “shovel ready” projects now! Ed Heger summarized by stating that the first priority is to get ready for 2011 boating season, and to update SB 343 as needed. At this stage, no action is required, but if we want to pursue a Cooperative Agreement, full Commission approval will be needed.

Jim Simpson then moves that the FBC adopt a resolution to submit to the legislature asking that the legislature create, pass and fund the necessary legislation to address AIS in Montana. Don Loranger seconded the motion.

Discussion ensued as to whether two week notice was needed to vote on this issue.

Jim Simpson explained that the Conservation District are adopting such as resolution, and the FBC could piggy-back on this effort. He asserted that the more folks behind it the push for improved AIS legislation, the better. He said the goal was to get broad based support, and let the legislative staff draft the bill.

Jan Metzmaker pointed out that the AIS issue was on agenda twice, so we should be able to vote on the suggested resolution.

Tom Smith asked if a resolution would this help Executive Director’s AIS effort. Miske responded affirmatively in that a resolution addressing concerns related to shortfalls in the existing legislation and the need for boat fees would be helpful.

Jim Simpson stated that he was not suggesting we support a specific piece of legislation. He explained that the resolution would urge a solution, and direct the legislature to make AIS a priority issue with adequate funding.

Motion passes unanimously.

Jim Simpson then raised two more points. First, he offered to provide the language for the resolution that was being used by the Conservation Cistricts. The he made another motion, directing the Executive Director to contact as many water-related stakeholder groups (watershed groups, irrigators, fish interests, utilities and hydropower, tourism, etc.) as possible urging them to support a similar resolution.

Ed Heger so directed as no motion needed. Heger summarized the priorities as working with FWP and the Dept. of Agriculture; the AIS resolution; and the AIS legislation.

Mark Reller suggests a short term committee to assist the Executive Director with the AIS effort related to the resolution. Jim Simpson and Don Loranger also agree to assist with this effort.

Don Loranger also suggested speaking with the state directors of both political parties and pressure them to get involved in this issue. Loranger stressed that is was important that this be kept a state-wide issue.

Ed Heger added that we don't want to make this a "peter to pay paul" issue. We want to look for new money to support the AIS effort.

Virginia Sloan stated that the Senate staffers have requested a White Paper on the AIS issue which will be passed along to D.C.. She also inquired about the transboundary agenda topic.

Caryn Miske stated that she had spoken with Mike Volesky and he felt things were moving forward in a positive fashion. She noted that Premier Campbell will be in B.C. through January, and possibly longer, so we have some breathing space.

Tom Smith inquired as to whether concerns existed that a successor would rescind the MOU? Miske stated that this was an unknown, and it might depend upon which factions/persons became the powerbrokers.

Virgina Sloan then explained that the Senators continue to negotiate with Canada.

Chas Cartwright added that the Dept. of Interior and the Senators are working on it, and it is not going as easily as expected. Folks are still taking, and have met on several occasions. Money is a tough issue. Although the MOU covered a variety of issues ranging from climate change to green energy development, to date B.C. has been very focused on the compensation for sunk costs. The federal government can't give money to B.C. directly, but we can give to money to the Canadian federal level. Unfortunately, this is not an optimal arrangement for B.C.

Executive Director Report:

Volunteer Monitoring Program (VMP): A full time VMP coordinator will be hired in February 2011. The position will be funded jointly by FWP (regional office), the Whitefish Lake Institute and the FBC (1/3 each). The position will be housed out of the Whitefish Lake Institute, and will be responsible for all aspects of FBC's VMP program and the Whitefish to Eureka VMP program. Both programs are being standardized, with the Whitefish to Eureka program being supplemented in order to be consistent with the FBC's program.

Miske also explained that additional analyses related to AIS were undertaken this past field season, including a calcium analysis, which raised out lab costs this past year to over \$4,000. Miske noted that the data was in, but had not been analyzed. Mark Reller offered to assist with the analysis.

Watershed Source Book: Copies of the book were distributed to members. Miske explained that the book was written by a graduate student with input from an oversight committee. FBC was part of this committee. While there was no cost associated with the development of the book, the FBC did assist with funding for printing costs.

Legislative strategy: No change from what was discussed at the last meeting. Outreach on AIS bill continues. A meeting is being scheduled with J. Jackson and J. Taylor to discuss bill revisions. Dave Wanzonried is supportive of the pending AIS bill, and a conversation will be had with J. Sesso in December to regarding the AIS bill. Other bills of interest, if any, will be reviewed at the meeting in January.

Web Site: Lake County is paying for the web developer for the FBC page. A new website format should be up in the next few weeks.

Biennial Report: The report has been sent to the printer. CSKT offered to link to a PDF on the website.

Grants: Several of the FBC grants are coming to a close. One of these grants was being used to support Erin Sexton's position. Although Erin has another funding source that will run through March 2011, after that we do not have another funding source in line to cover her salary. The lidar grant is also completed and a meeting was held in Polson last night to review the project. A similar meeting is being held in Kalispell tonight. For those interested in viewing the data, all of the information will be posted on NRIS. The lidar data covers land mass above the water elevation. The Flathead Conservation District had some funds which they used to obtain bathymetric data to compliment the lidar data.

Stewardship awards: Hal Harper will be presented with the award at the January meeting, and the awards for V. Jackson and J. Taylor will be presented at some point during the legislative session.

Letters of Support: Three letters were sent out (please see previous email attachments) as per our discussion at the last FBC meeting.

Evaluation of Executive Director: The Chair, Vice Chair and DNRC liaison discussed the baseline for the ED performance appraisal. It is anticipated that interim appraisal will be undertaken.

Gravel mining issue in Flathead County: The BC-MT MOU allows some small scale gravel mining in the North Fork (under 5 acres). The Flathead County Commissioner's recently tabled a current discussion related to gravel mining in the North Fork, but this is an issue that merits monitoring as it would be problematic if the County permitted actions that contradicted the MOU.

AIS bill: The bill will focus on inclusion of (1) a sustainable funding source in the form of boat user fees; (2) mandatory check stations authority for both departments without the need for a management area(s); provisions for clear accountability by moving primary oversight for all AIS components to the Dept. of Agriculture, but FWP would continue to work on AIS issues. The bill is still morphing and not in final form.

Monitoring: For the 2011 field season, we should be able to fund the program. Funding after this point is uncertain, especially for lab costs.

TMDL: Technical reports still in progress. Concerns about TMDL allocations and growth in the area have been raised.

Public comments:

Rich Jansen stated that CSKT now has a draft AIS prevention plan out for comment and will soon be published. The CSKT plan parallels the state and basin plans.

Future meetings:

- Jan 12, 2011 – Forest Service Office, Kalispell
- March 9, 2011 - south valley
- May 18, 2011 – north valley

Beyond the State of the Lake Report – Jack Stanford, FLBS

The FLBS now has 7 faculty position, and the Station's core graduate program through the U of M is the system ecology program which takes a genes to ecosystem view of the world, looking at organisms and their natural environment, as well as the human impact at a landscape scale. With that a context, we have used the Flathead lessons and applied them to a wide range of other places.

Jack Stanford played a role in the formation of the FBC, and recalled the river basin study which jump started a lot of the baseline research. Dr. Stanford noted that also his visibility in the Basin has gone down in recent years as he has been working in Russia, B.C. and the Pacific Rim, he is now circling back around to focus on the Flathead.

Dr. Stanford then asks, What makes a good salmon river? Why are wild pacific salmon struggling, but doing well in other areas? How is all of that big landscape being influenced in the next 100 years? Can we estimate river flows, temperature changes, etc. and help species adapt?

Dr. Stanford explained that his team has been working in the Russian far east, which is similar in size to the middle fork, but has up to 10 million salmon per year. Our work there was based on part on what we learned in the Flathead system, including adfluvial live histories, lake fertility coupled to the productivity of the fish, and the complexity of upstream habitat and how this complexity plays out.

Flathead Lake has naturally low levels of nitrogen and phosphorus. The big salmon rivers are similar as they typically drain mountain landscapes. The primary response variable that predicts the ability to produce salmon is the nature of the flood plain. Extensive flood plains tend to translate into more salmon. Complex flood plains allow for a greater diversity of species and higher productivity. For example, in Russian far east has some of the highest density of bears on the planet which is related to food availability and floodplain complexity.

Relations between native biota are finely tuned. Multiple life histories within the same species occur to take advantage of the diversity in the habitat. This ultimately promotes survival probability in the face of environmental changes such as periods of prolonged wet or dry trends. However, human interactions have increasingly put things out of balance.

The Flathead Lake story is a food web change story caused by introduced species. If the mussel detection turns out to be true, we are about to enter an entire new chapter. Bonnie Ellis is about to publish a paper on the food web changes from cuts and bull trout to kokanee, now to lake trout, all caused by human introductions. The mysis introduction was the most profound event in Flathead Lake ever. We examined the plankton, water quality affects and the cascading food chain affects associated with the mysis introduction. Mysis accelerated lake trout production and allowed algae to jump up to 30%. Small organisms previously ate the algae have declined, and as a result the Lake has gotten much greener. We are now much closer to a threshold that could mean very rapid changes.

It is possible to examine what will happen if zebra mussels are added to the Lake environment or if lake trout is removed. We now have the knowledge to predict such changes if want to do the work.

The FBC can assist in educating the locals about what we know about the ecosystem processes that influence the lake, the good and services we get from the lake, and the need to maintain water clarity and quality. Of all the big lakes in developed areas, Flathead Lake remains one of the cleanest as it possesses a short turnover, and is surrounded by sources from protected areas like the Park and wilderness.

However, we must continue to reduce the nutrient loading from sources like sewage and non-point runoff if the Lake is to retain its pristine nature in the future. Non point sources have continued to increase with as human density increases. The third source of nutrients loading comes from the atmosphere. We burn slash and the inversions in the winter, increases nutrient loading to the lake, keeping us near the bloom threshold.

The work in the Flathead helps others around the world. The relation of food webs, nutrient loads and water quality are all closely related. To date, we haven't managed lakes considering all three of these elements. Traditionally, fish managers were not limnologists, but that is changing. Students are now becoming more well rounded, possessing the tools for managing complex systems.

Dr. Stanford then shifted to a discussion of pollution nodes in the basin, and the results of the shallow groundwater monitoring currently being funded by the FBC with technical support from the FLBS. Dr. Stanford explained that pharmaceuticals and hydrocarbons have been found in shallow groundwater sources and are therefore in our drinking water supply. Some of these pollutants are potential carcinogens, and they accumulate in downstream areas. Dr. Stanford stated that pharmaceuticals have been found in four of

14 wells, including but not limited to pain relievers, caffeine, DEET, progesterone, warfarin (rat poison). In some cases the levels were not merely detected, but were found in levels that should cause concern. And in 13 of 14 wells a variety of hydrocarbons were found.

The Kalispell valley is one big aquifer system, and we know the flow pattern. This knowledge helped with the planning of the Evergreen sewage plant and phosphorus reduction. But now we have more and more folks living in the valley, using septic and leach fields. The pharmaceuticals flushed into septic can now be found in the aquifer.

Dr. Stanford pointed out that we have the lidar images of the landscape, and we can see the channels in the valley. We now have technology to measure the flow of the river in a single boat pass, and we can detect the interaction with the aquifer.

Jim Simpson asked what were the top 2 or 3 pollutants loads to the lake. Dr. Stanford answered: parking lots and surface run off; atmospheric deposition from burning and road dust; and septic.

Simpson inquired if forest fires have increased nutrient loading. Dr. Stanford responded that this loading has been consistent over time, and he pointed out that burning will occur whether we burn it (ie. prescribed burns) or if the fire burns on its own. Dr. Stanford also pointed out that with improved combustion processes, we have and can reduce atmospheric deposition wood stoves and pellet stoves. And he noted that bio fuels for are good. Although they do emit CO₂, burning bio fuels uses up fuels that would be burned at lower efficiency otherwise.

Tom Smith asked if there was a difference between burning slash low intensity and big intensive fires. Dr. Stanford replied that it is optimal to burn for as short a time as possible when air circulation conditions are best. However, he noted that more monitoring stations are needed to assess atmospheric deposition, and that in the near future the FLBS will be able to gather more data on the lake by using buoys with telemetry (keyed into Woods Hole).

Dr. Stanfoprnd concluded by saying more that more information on the Flathead Shallow Groundwater study will be posted on the webpage.

Meeting adjourned.