

Flathead Basin Committee Minutes

April 21, 2009

10:00 am – 4:00 pm

U.S. Forest Service

Wolfpack Way, Kalispell

FBC members in attendance: Earl Applecamp (interim forest supervisor), Dan Bangeman, Bob Sandman, Jim Simpson, Susan Brueggeman, Tom Smith, Kathy Eichenberger, Ed Heger, Louie Fillmongo (for Dennis Philmon) and Jason Gildea (for Ron Steg).

FBC staff: Caryn Miske

Others in attendance: Erin Sexton, Rich Moy

Minutes from Last Meeting: Simpson makes a motion to adopt minutes, and seconded by Bangeman. Motion passes unanimously.

Report from the Chair, Ed Heger: Executive Director performance appraisal process proposed. Chair, Vice Chair and DNRC liaison would be responsible for the appraisal, with DNRC providing evaluation of compliance with administrative procedures. The rationale is that this structure would provide both continuity and checks and balances.

After the last meeting some concerns were expressed regarding DNRC's signing the appraisal, and the appraisal process will be resolved at the June meeting.

The Vice Chair position remains open and a vote will be held at the June meeting.

Bylaws amendments will be provided to the members prior to the next meeting, and will be voted on at the June meeting. At a minimum, the proposed by-laws change will reflect a shift in the composition of the Executive Committee. Heger notes that we want to keep the Executive Committee relatively small, but we need to make sure both citizen members and agency folks are represented.

Discussion ensues on the ability of federal agency members to participate as officers.

The statute governing FBC voting procedures requires a vote of the majority of the members, and a quorum of the voting members is needed to have a vote. Therefore, at a minimum 8 voting members need to be present in order to hold a vote, and in order for a motion to carry a minimum of eight votes is required.

Heger opens a discussion regarding potential options associated with voting procedures, including changing the statute during the 2011 session and/or amending the FBC bylaws to permit email voting and call in voting.

Miske notes that an email vote is problematic due to public meeting requirements which require public input and a transparent process. She explained that conference calls/video conferencing could be more acceptable, as members could hear public comment.

Discussion then shifts to the possible need to poll membership and try to determine why the FBC is having problems getting a quorum and higher attendance.

Moy notes that the FBC tried to push that if a citizen member missed three meetings in a year, they could be dismissed. This was not a hard and fast rule, but it was pushed.

The members unanimously agree that voting by proxy will not be permitted.

Smith asks if it would be possible to designate an official alternate to resolve the proxy issue.

Discussion ensues, and members seem to be open to alternates for agency members, but there may be difficulty with citizen members as they are appointed by the Governor.

Sandman notes that we must be careful to not violate our bylaws. By purpose, the FBC is a battleship not a speed boat. We need to avoid a situation where we have a quorum vote, and still not have a majority of the voting members.

Heger notes that the official alternate may be option to be explored further at the June meeting.

Question from the public: How are meetings announced to the public?

Miske: two weeks prior to the meeting a press release with agenda is given to the media outlets, and in the future agendas will also be posted on our website.

Public comment issue:

Heger presents the existing procedure explaining that if we have a contentious issue, the chair can manage the process, and is permitted to allow for public comments at the end of the meeting.

Miske explains that if the FBC is deliberating (which is defined broadly) we have to allow public comment – the chair can limit time, when comments is permitted, and the sequencing of comments. However, the public must have the opportunity to comment on each issue that is deliberated (even if no vote is taken), so the FBC probably should change its existing protocol which permits comments to be limited to the end of the day.

Report from the Executive Director, Caryn Miske:

The budget is looking uncertain, and another 4% cut may be coming. It is possible that the FBC will not be hit with this cut since the FBC is funded with RIT (Resource Indemnity Trust) funds, and she will know more at the June meeting. In addition, tax deductible contributions to the FBC is being explored to supplement income.

The Community Foundation is willing to work with the FBC, but the Foundation does not want to handle the money in way we hoped (we submit invoices and they pay invoices directly). The Foundation would receive funds on behalf of the FBC (with a 3% overhead charge), but funds to pay invoices would be given directly to the FBC to avoid additional administrative overhead being incurred by the Foundation. However, if we receive funds directly from the Foundation, we must funnel such funds back to DNRC. DNRC charges a 5% overhead, so we would ultimately pay a total of 8% in administrative overhead. Therefore, we should look for another entity that could handle the direct payment of invoices, even if such an organization would take a slightly higher cut.

Work plan: Miske hands out the priority work items for 2010-11.

Sandman notes that Item 8 – biennial report should have higher priority.

Contracts: Miske notes that everything is up-to-date and all quarterly reports have been filed as needed. However, she did explain that the groundwater monitoring Phase II work hit a speed bump when the stimulus dollars funding the work were frozen. Fortunately, funds are again available and the Phase II work will move forward. The FBC will contract with DNRC and Bonnie Ellis at the FLBS to complete this work.

Critical lands: In February 2010, the FBC presented shallow ground water and other critical resource maps to the Flathead County Planning staff and Planning Board. Diane Whited and Bonnie Ellis produced the maps and the project was co-sponsored by the Flathead Lakers.

Lake Book: The publication is now available. The FBC helped with printing costs and supplies are available.

Crown Managers Partnership: Annual Forum held in April and Ecological Health (EH) project moving forward. Sexton explains that the EH project is a landscape scale analysis of the crown of the continent ecosystem, which will rely in part on remote sensing data. The first mapping products will be ready in about 6 months.

Aquatic Invasive Species (AIS): The efforts for the basin-wide plan are moving forward. Public service announcements are now running in the Flathead and the draft plan can now be downloaded from the web site.

May 19th AIS conference in Polson is scheduled. The Clark Fork Task Force graciously agree to offset \$4700 in costs.

The AIS workgroup continues to seeking funding. CSKT will be submitting a proposal to EPA for \$50,000; FWP has submitted a proposal to BPA and the workgroup has received \$12,000 from the Dept of Ag and use of a wash station for the summer.

Smith asked if a letter to the Governor from the tribes expressing concern regarding AIS would help, especially in light of the recent MOU with BC which could be undermined by lack of action on the AIS issue.

Miske replied in the affirmative, noting that least two counties have already sent such letters.

Miske then explained that turf issues between Dept of Agriculture and FWP in Helena appears to continue. Mandatory check stations in the Noxon area for milfoil will be moving forward, but the remainder of the check stations will be voluntary.

Smith inquired about the cost of check stations and asked if things can be done cheaper as self contained wash units may not be needed at every place. Miske agreed that if check stations are located away from water, self contained units are not necessarily needed.

Simpson says that the lake county extension office is goal setting, and they are interested in posting and maintaining signage at boat ramps.

Volunteer Monitoring Program (VMP): The FBC will be working with the Whitefish Lake Institute and FWP to hire a VMP coordinator for the summer field season. The FBC VMP program and the Whitefish to Eureka program will be made as consistent as possible and sites will be consolidated as necessary. In addition to water quality analyses, and AIS monitoring component will be added. FWP will be providing a boat and truck for the Coordinator.

Storm water education program (SEEP): The SEEP training was held in Kalispell on May 19th. FBC will be providing funding for the riparian training component. FBC is working with Lake County, the Flathead Lakers, and the City of Kalispell to provide this training to contractors. The training is designed to reduce non-point source pollution. If the May 19 training goes well, we will try to make the SEEP training an annual event in Flathead and Lake Counties, with the goal of making the program self supporting. Currently, the two-day training costs \$75 which is not covering all costs. We still need to train trainers here in Montana, but for the first course we will be using Idaho trainers.

Web site: Miske met with the web designer and was given some basic training on management of the web site. Key features on the site will include minutes, agendas, events and meetings, member log-in page, issues and news. Miske noted that some glitches remained, and urged the members to review the page within the next couple of weeks so that adjustments can be made while the web designer is still available. In addition, it is hoped that the designer will provide an element for volunteer monitoring forms on line, enabling volunteers to enter their data electronically.

Legislative strategy will be discussed at the June meeting, and it is hoped that we can start outreach to legislators during the summer. The goal is to have the biennial report completed by the end of June, so that the biennial report, along with a stand-alone summary card highlighting FBC accomplishments, can be used in the outreach effort.

Miske encouraged members to consider possible nominations for the Paul Williams Stewardship awards. This will be considered again at the June meeting.

Need for a FBC retreat was then discussed, and it was decided that a retreat in the fall, prior to the legislative session would be most useful.

Lastly, Miske announced that the FBC office has moved to the new DNRC building at 655 Timberwolf Parkway, and the office phone has been changed to 752-2735.

Presentation to Kathy Eichenberger: Kathy was presented with a framed photograph of Glacier National Park, and a tribute was made to her contribution and tireless work in protecting the Flathead. Moy suggests that a letter to the Premier and her boss should be sent, thanking her for work done. Miske noted that a letter to the Premier had been sent, thanking both Premier Campbell and Kathy.

Jason XXX provided an update of the TMDL effort on behalf of Ron Steg. Water quality modeling for nutrient TMDLs continued. Technical memos on road and stormwater have informed the model, and technical memos on timber harvest, fires and agriculture will further inform the effort. EPA is also working on the development of a functioning water quality data base, and is currently working out the details associated with public distribution of the data. EPA plans to hold a public meeting this spring or summer to discuss the effort to date and obtain public comments. Currently, the EPA is undertaking a stakeholder review process by sharing with contributors what was done with their data.

Kindy Gosal: Columbia Basin Trust presentation

Points of Interest:

- 15% of the basin is in Canada but 40% of annual runoff originates in Canada and the percentage of annual runoff from Canada has increased.
- In 1948 the Columbia river flood killed 50 to 60 people and destroyed Vanport, signaling the need for improved flood control.
- The Columbia River Treaty between the U.S. and Canada was signed in 1961 and ratified in 1964. The Treaty focused on flood control and power generation. The Treaty allowed for termination after 60 years in 2024.
- Although the Treaty provided benefits both north and south of the border, the lack of meaningful consultations in decisions that drastically affected the lives of the people in the region and future generations created a legacy of distrust in Canada related.
- Treaty rights for first nations still being negotiated, and the First Nations will be consulted in future treaty discussions, which is critical as tribes such as the Kinbasket are impacted by dam operations (175 feet of flux on annual basis).
- The Columbia River Trust was created by the Province of British Columbia to address the adverse impacts created by the Columbia River Treaty, and the trust now stands at half a billion dollars (trust dollars invested in coal and other natural resources industries in the region). The Trust is considered a crown corporation, but it is not an agent of the crown.

- The Trust funds numerous programs, including but not limited to: environmental initiatives; land conservation programs; and wetlands and sustainable energy (possible new program areas). For a more complete list of projects see: www.cbt.org.
- Although the flood control agreement expires in 2024, changes to the Trust and to flood control operations are not expected (especially in light of the protections under the guaranteed sales agreements).

Transboundary:

Kathy Eichenberger discussed the BC-MT MOU, and explained that it was well received, with the exception of the mining industry. Miske praised both Eichenberger for her years of dedication in making the MOU a reality, and the Premier for his vision in protecting the Flathead. Miske also noted that a federal to federal agreement would likely be forthcoming to further codify the protections set out in the MOU.

Wastewater Management Group:

Dan Leatzow provided a brief summary of the group's activities to date.

Water Quality District (WQD) Presentation:

S. Brueggeman and C. Miske provided an overview explaining the basics of the WQD concept, along with a summary of the gap analysis undertaken by the Flathead Basin WQD workgroup. The presentation concluded with a recommendation that if a WQD were to go forward, the primary function of the WQD would be to assist in implementing a robust Aquatic Invasive Species Plan for the Basin.

Public Comment:

Linda Christensen discussed a new gravel pit operation that is being proposed near the airport, which would adversely impact the floodplain. Ms. Christensen expressed her frustration with the apparent inability to stop the proposed project, and asked that the FBC become involved in opposing the gravel pit. The Chair explained that the FBC typically does not comment on individual projects, and that given our existing programmatic commitments, the FBC was unable to proactively assist in her. Miske also noted that she understood Ms. Christensen's frustration, but that DEQ has limited means by which to deny gravel pit permits. Miske explained that if people want changes in gravel pit permitting processes, they need to work through the legislative process to amend the statutes governing such processes.

Next Meeting Date: June 16, 2010.