

Flathead Basin Commission Meeting Agenda
November 13, 2013
Tribal Council Chambers, Pablo

FBC Members/Staff in Attendance: Jack Potter, Dean Sirucek, Julie Dalsoglio, Chas Cartwright, Rich Janssen, Susan Brueggeman, Jasmine Courville-Brown, Jim Simpson and Caryn Miske.

Public in attendance: Tom Cox, Steve Rosso, Heidi Sedivy, Bonnie Ellis, Kari Musgrove, Patti Mason, Jane Johnson, Virginia Sloan, Mark Pitman, Mike Durglo, Erik Hanson, John Hagenruber, Clayton Matt, Linnaea Schroeer, Stacy Schmidt, Jayden Duckworth and others.

FBC Administration -- Consensus items:

- Minutes from September 17, 2013 meeting unanimously approved
- February meeting agenda to include: City of Whitefish nutrient trading efforts, FBC funding/staffing discussion, boat pump out regulations, AIS and Flathead County zoning amendments.
- Reschedule of Whitefish site visit – no action taken.
- Debrief from CFAC site visit - Based upon the information provided by CFAC during the site visit, and the recent testing undertaken at the site, the FBC would like to revisit this topic in April 2014 to determine if/how the FBC could effectively engage with the company to facilitate both environmental cleanup and economic benefits for the local community. perspective on the nature of the issues.
- 2013 Paul Williams Stewardship award was presented to Steve Rosso for his outstanding work with the homeowner associations adjacent to Flathead Lake. Due to Mr. Rosso's efforts, 100% of the needed permission forms from private property owners were obtained, which enabled Lake County and the Lake County CD to undertake the removal of the aquatic invasive weed – Curly leaf pondweed.
- Water Quality Ad Solicitation: C. Miske to inquire whether the ad would be run as part of a larger effort. If so, the FBC may want to contribute a nominal amount of funding for the effort. Members also raised the possibility of running water quality ads on the radio, if the station(s) would provide a 50% match. Rich Janssen stated that the CSKT TV station could run public service spots free of charge in the spring.

CSKT Climate Change Strategic Plan – Mike Durglo, CSKT

BACKGROUND: CSKT represent EPA Region 8 on the National Tribal Science Council, which identified climate change and Traditional Ecological Knowledge (TEK) as the top 2 priorities into the future. This led CSKT to develop a climate change plan at the local level with funding from the Great Northern Landscape Conservation Cooperative and the Crown of the Continent Roundtable/Kresge.

PLAN DEVELOPMENT: A representative from each CKST department participated on the workgroup developing the plan. The work group used a assessment matrix to analyze both adaptive capacity and probability to determine vulnerability for each sector (i.e. fish, wildlife, housing, forestry, etc.). Since the plan includes TEK, recorded interviews with elders were conducted to assess climate changes over time. Elders shared the knowledge

obtained from their grandparents so the changes related span about 150 years. For example, camas prairie has been drastically reduced in the last 150 years due to both climate change and land use practices. Although the elders believe that when plants are grown in green houses, the spiritual strength of the plant is reduced, the elders are starting to see the necessity of growing these plants in green houses to aid with replanting efforts.

Durglo discussed forestry as an example of the issues addressed in the Strategic Plan. For example, the tribes traditionally used fire to clear land, which preserved the Ponderosa Pine forest. As fire suppression ensued, the forest changed from Ponderosa to Doug Fir. The plan outlines what can be done to align forestry goals to offset some of the possible adverse impacts associated with climate change.

NEXT STEPS: CSKT recently formed the climate change oversight committee which consists of 9 department representatives, plus Ann Carlson. Based on the objectives outlined in the Strategic Plan, this group will develop mitigation and adaptation strategies. The group will meet quarterly, and everyone is welcome. CSKT will assist other tribes within the Crown to develop similar plans. The CSKT plan can be viewed on the Tribes' website.

Julie Dalsoglio commented that the EPA is undertaking discussions with state directors of environment and agriculture shift their focus from education to implementation (i.e. drought management, whitebark pine restoration, drinking water programs, etc.) Farmers are already adapting in terms of drought planning.

A brief discussion regarding FBC opportunities to assist with climate change adaptation ensued.

Bull trout Co-management Efforts – Barry Hanson, CSKT

BACKGROUND: In the face of climate change, the Flathead is likely the last refuge for bull trout and cutthroat populations in the lower 48. As tributaries warm, fish will increasingly migrate to Flathead Lake, and will be in increasing conflict with lake trout.

BULLTROUT EIS: The public comment period ended August 5, 2013. Several hundred comments were received, with the majority supporting suppression. Four alternatives were considered within the EIS: no action, 25% reduction in lake trout, 50% reduction in lake trout and 75% reduction in lake trout. Tribal Council opted for the 75% suppression level. However, CSKT fisheries managers are not obligated to harvest at the 75% level, rather the 75% is a maximum permissible level. After the Record of Decision related to the adoption of the FEIS, an implementation plan will be written to develop the specifics of the suppression plan, along with the section on adaptive management.). CSKT is not seeking lake trout eradication, but lake trout management which will necessitate perpetual maintenance. Funding currently exists for suppression efforts, but management is very expensive, and may be a bottleneck in the future if those opposing suppression successfully undermine funding.

Jack Potter: If FWP does not participate in co-management can CSKT still successfully control the lake trout population? Barry Hanson replied that suppression can work even with control of only of the southern half of Flathead Lake. However, CSKT possess precedent and treaty rights which would also allow them to operate off-reservation if necessary. Currently, the North Fork bull trout population is declining precipitously, despite the fact that land use practices have improved. Conversely, the Middle Fork population is doing well, likely because they are not migrating into Flathead Lake and therefore avoiding the higher predation rates.

Bonnie Ellis discussed the need to protect the meta-population, and expressed concern with the North Fork bull trout population that is now nearing extinction.

Barry Hanson responded that-20+ sub-populations make up the meta population, and if we don't protect the sub-populations we are at risk of death by a thousand cuts.

Chas Cartwright asked if CSKT will manage the bull trout population if FWP declines to revise the co-management plan. Barry Hanson answered in the affirmative, but believes that opportunities for co-management exist. The experimental gill netting proposed by FWP would commence suppression at a lower level, and this may serve as the middle ground for co-management, and would provide commercial interests with time to adapt to changing conditions.

Columbia River Treaty Review Update - Pat Smith, NWPPC

An email communication from Pat Smith stated that the deadline for public comments on the September 20 Draft Recommendation closed in late October. There is a growing recognition and consensus emerging of the importance of the NW Region coming together by December on the Regional Recommendation—with the understanding that all interests may have to give a little bit on their core issues for the larger good of the region. On October 16, the BC Provincial Government released its draft treaty recommendation, and public input on its recommendation will close on November 14, and similar to the US Entity, the recommendation is to be finalized in December. It appears that BC residents--especially communities around the three CRT dams--are highly engaged on the treaty issue. Of importance to Montana, improved coordination at Libby Dam has emerged as a BC front-burner issue on the Treaty negotiations. Similarly, the US recommendation (at MT's urging) also identifies Libby dam coordination as an important issue, especially the benefits of VarQ flood control procedures. Libby and Hungry Horse dams are the only two dams in the Columbia Basin with VarQ flood control procedures.

Regarding the US recommendation, a high-level meeting between the region's tribes and the region's utilities occurs this week, and the Sovereign Review Team (SRT) will have its last meeting to work on the final recommendation this Thursday in Portland. Once the Regional Recommendation is submitted by the US Entity in mid-December, Phase 2 of the process begins. The US Department of State and the Interagency Policy Committee will undertake a 3-6 month review of the recommendation and make a National Interest Determination. If the Secretary of State decides to negotiate on modernized treaty terms, the focus would then switch to treaty negotiations (Phase 3).

Thank you all for the FBC's excellent letter that was submitted.

FBC updates - C. Miske

- Letter sent to FWP in support of OTTER ISLAND project.
- GRANTS/CONTRACTS
 - \$100,000 DNRC grant obtained for Flathead AIS work
 - Portion of funding allocated for FLBS for DNA protocols
 - Contractor selected via RFQ process for much of the remainder of the work
 - \$28,000 GNLCC grant obtained for Crown Managers Partnership (CMP) transboundary AIS work
 - AIS Strategy ultimately to be incorporated into MOU framework
 - Contractor selected via RFQ process

- DNRC WATER SUPPLY INITIATIVE continues to gather input as per Phase I of the effort to identify public priorities related to water quantity planning. Those interested in providing input can assess the Clark Fork Task Force survey at: http://www.dnrc.mt.gov/wrd/water_mgmt/sate_water_plan/clarkfork/.
- WASTEWATER GROUP FACILITATION: An initial conversation with Flathead County indicated that the County would have no objection to an FBC facilitator. Further inquiries will be made directly with the County Commissioners.
- TRANSBOUNDARY EFFORTS (see AIS minutes below)
 - Crown Managers Partnership will hold its annual Forum in Missoula on March 17-19. The Forum is entitled Climate Change Adaptation in the Crown of the Continent Ecosystem.
 - The fall GNLC meeting was cancelled due to the government shutdown. Progress on the BC-MT MOU (fisheries component) will be assessed at the spring GNLC meeting.
- The CORE group is working on developing a middle school curriculum – that can be tiered upwards/downwards – based on the Flathead Sourcebook. Phase I of the curriculum development is a Delphi survey that will be conducted by a team from MSU. Funding is still needed for this effort, and the FBC will work with the Lake County CD to submit a grant to support this work.
- The VMP program continued successfully this summer with AIS and water quality monitoring undertaken at 50 locations. Funding for the program is now in jeopardy, and the FBC will need to work with WLI and FWP to develop a funding plan to sustain the effort long term.

Aquatic Invasive Species (AIS)

STATEWIDE-REVIEW OF 2013 FIELD SEASON – Linnaea Schroeer, FWP

- Estimated number of watercraft inspections: 30,000
- Estimated number of watercraft inspections at Clearwater: 13,000
- Estimated number of watercraft inspections at Ronan: 5,000
- Number of detected mussel infested boats in the Flathead area: 3 (2 in Swan, 1 in Missoula)
- Total number of detected mussel infested boats in the state: 11 (mostly found at Hardin)
- Numerous boats found carrying vegetation and/or found carrying standing water.
- Issues with staffing and housing of stations in eastern Montana – Wibaux and Culbertson were fully staffed all summer – although data for these stations were not provided.
- Enforcement officers were present after July 1. Generally, verbal and written warnings were issued. However, compliance remains problematic. Sample of compliance rates are shown below:

Watercraft Type	Hardin station	Clearwater Station
Motorized (complied)	62%	34%
Non-motorized (complied)	14%	39%
Motorized (non-compliance)	9%	7%
Non-motorized (non-compliance)	15%	20%
total	100%	100%

Data are still being entered and analyzed. It is anticipated that a final report will be available by the end of 2013.

2014 FIELD SEASON NEEDS DISCUSSION

- Inspection stations
 - Ronan, Clearwater, and Eureka still required

- Border stations of critical importance
- Highway 2 station mandatory authority needs to be addressed to heighten compliance rates
- Increase in days/hrs of operation as funding permits
- Increase enforcement presence to heighten compliance rates
- Monitoring – FBC/WLI will continue to provide FWP with veliger samples for microscopy.
- Rapid response – FWP has adopted the Columbia Basin Plan. Montana is due for another exercise.
- Quarantine regulations – regulations are to be developed this winter.
- FWP will have an AIS Conference this winter to present results to date and to obtain public feedback.
- FWP will again hold a smaller stakeholder meeting to assist the agency with identifying priority inspection station locations.
- FWP plans to update its education campaign this winter.

STATUS UPDATE ON 2013 HIGHWAY 2 STATION AT CORAM – C. MISKE/H. SEDIVY

- 2013 Field season results:
 - Number of boats inspected: 2096, 7% of which were high risk
 - Number of boats found with standing water/vegetation: 49
 - Compliance rate: 28% (though the majority of drive-by were non-motorized)
 - Improvement with signage: over 10% increase in compliance rates
 - Percentage of boaters willing to support an AIS boat sticker fee: 93%
- 2013 Funding: The City of Whitefish, U.S. Bureau of Reclamation Hungry Horse, DNRC, Trout Unlimited – Flathead Chapter, Flathead AIS work group and the FBC provided funding and in-kind assistance for this site, and FWP provided approximately \$500 of in-kind assistance.
- 2014 Funding: U.S. BOR funds in place (approximately \$25,000). Additional sources still to be determined.
- 2014 field season discussion: It was agreed that a permanent variable alert message sign, improved law enforcement support and improvement to site configuration would improve compliance rates, as would the provision of mandatory authority from FWP. It was also agreed that alternative sites east of Coram/west of Browning would be analyzed to determine if the site should be moved. The ultimate goal is to partner with the Blackfeet Tribe, but given the recent government shut down, this is not feasible for the 2014 field season, though discussions with the Tribe should be pursued as soon as possible once. The use of sniffer dogs at the stations is also being examined to improve detection rates.

STATUS UPDATE ON 2013 CLP AND OTHER REMOVAL EFFORTS – C. MISKE/E. HANSON

- Status and Issues: Flathead Lake has significantly less CLP than originally thought, and based upon the efforts this field season, eradication appears possible. However, the field season proved challenging due in part to the fact that the Flathead based its field work for 2013 on survey data from Dr. Madsen’s team procured in 2012. Some of the 2012 data was erroneous, which caused confusion in the field, including but not limited to both erroneous positive and negative identifications. We have sorted through the results from the 3 contractors working in the Basin this summer, and have determined that of the 9 locations originally deemed to have CLP, at least two (Mission Bay and Peaceful Bay) were CLP-free from the start. CLP was fully removed from Dewey Bay, Caroline Point and Big Fork Harbor (via a private contract). No work was undertaken on the shoreline of Big Fork and CLP may remain at this site. CLP still remains on the lower Flathead River, and the Lakeside removal effort (at 2 locations) was successful, though some residual plants remain and will need to be removed in 2014. The survey work in the southern end of the Lake indicated that no CLP was present.
- 2014 Solutions: To address problems that were encountered in the field, additional oversight will be provided. Oversight effort will include an initial orientation with consultants, independent confirmation

of positive identification of AIS (with photos, voucher sample and GPS locations); and contract closure interviews, as needed.

- 2014 Efforts: The Lake County Conservation District and Lake County provided funding via DNRC grants for the CLP removal and survey efforts. It is anticipated that similar grants will be forthcoming for 2014 to continue survey and removal work. CLP removal work would focus predominantly on dredging in Flathead River, along with 6-8 days of work to resurvey bays and remove any CLP regrowth/residual.

2013 MONITORING EFFORTS – C. MISKE/E. HANSON

- Professional efforts: E. Hanson collected a small number of veliger samples while conducting his field work related to AIS plant survey work. Samples will be provided to both FWP for microscopy and to FLBS for DNA analysis. Similar efforts will continue through 2014.
- Volunteer program: veliger samples and rake throws for aquatic invasive plants were conducted at approximately 50 locations within and adjacent to the basin. Funding for this program is in question for the 2014 field season. The FWP AIS program may provide a 50% match, but the FBC will need to provide between \$15-20,000 to ensure the programs continuation in 2014.
- DNA funding will be provided by the FBC to the FLBS via the recent DNRC AIS grant (see above). The protocols for mussels are completed, and the FLBS is now testing the protocol to ensure its accuracy in the field. Backlogged samples from the Basin for the years 2012-13 have been provided to the FLBS for future analysis. It is hoped that the protocols will be refined for use for the 2014 field season.

2013 VOLUNTEER BOAT INSPECTION PROGRAM – C. MISKE/H. SEDIVY

Whitefish, Swan and Flathead Lakes participated in the volunteer boat inspection program during the 2013 field season. The effort is still fairly limited, with volunteers working selected weekends during the summer season. Heidi Sedivy provided training for volunteers with modest funding from the FBC and Flathead Lakers. Currently, we have data for 2 of the 3 stations entered into our database, but our partial results indicate:

- 84 boats were inspected (as compared to 72 in 2012)
- 27 out of state boats inspected
- 42 of the boats inspected were not previously inspected at any other inspection station

2014 Program Objectives

- Modest funding for the program has been obtained in part via the DNRC AIS grant.
- Greater volunteer retention and development at the three existing lakes.
- Considering program expansion to either Seeley or Echo lakes for the 2014 field season.

REGIONAL AIS EFFORTS – C. MISKE

- America's Great Outdoors (AGO) Initiative has selected 3 interagency action items, one of which is AIS. The FBC sits on the AGO AIS sub-committee. In the summer of 2013 the AIS sub-committee submitted its AIS action items to DOI. Action items included: facilitation of data sharing; development of maintenance, prevention and treatment plan; enhancement of interagency capacity, including the development of interagency strike teams; development of transboundary management protocols; development of regional education strategy; development of improved risk assessment tools; improved enforcement of the Lacey Act; and improved coordination with Tribal/First Nations partners. The funding request (approximately \$1 million) is in the President's pending budget.
- CMP/GNLCC (see minutes above)
- Federal legislation update was provided via email from Virginia Sloan. Currently, the AIS funding was not in the house bill for the Water Resources Development Act (WRDA), but the House did add AIS to the River and Harbor Act of 1958, which will allow the Army Corps of Engineers to use federal funds to prevent and manage AIS on ACE projects. In the senate version of WRDA, Sec. 5007 includes new

project authorization to provide \$30 million to match state funds for boat inspection stations in the Columbia River Basin states. Uncertainty exists as to how the conference version of the bill will look, but it might be expected to at least allow AIS spending, if not a specific project authorization.

Public Comments/New Business:

Flathead County is considering rezoning areas in Evergreen to light industrial. FBC members expressed an interest in learning more about this proposal at the February 12, 2013 meeting.

Julie Dalsoglio reported in the following:

- Flathead TMDL Technical Advisory Committee (TAC) meeting will be forthcoming. The calibration for the Flathead TMDL model is complete, and initial model runs will be commenced shortly.
- B.C. Elk Valley Technical Advisory Team has met twice to date. Large data gaps regarding impacts to Koochanusa from Teck's 5 open pit mining operations in B.C. are evident. Ktunaxa are advocating for the CSKT to be formally admitted to the Team.

Meeting adjourned.