

**MINUTES**  
**Flathead Basin Commission Meeting Agenda**  
**September 17, 2013**  
**US Forest Service, Kalispell**

**FBC members and staff in attendance:** Chas Cartwright, Tom Smith, Jack Potter, Jan Metzmaker, Kate Hunt, Jeff Mow, Marc Pitman, Susan Brueggeman, Chip Weber, Rich Janssen, Julie Dalsoglio and Caryn Miske.

**FBC Administration -- Consensus items:**

- Draft minutes from June 12, 2013 FBC meeting unanimously approved.
- November meeting agenda to include, but not limited to: full AIS briefings; Climate Change Presentation by Mike Durglo, CSKT; funding discussion; and co-management plan for bull trout.
- 2014 FBC meeting schedule:
  - February – USFS office, Kalispell
  - April – southern location, likely in Polson
  - June – USFS office, Kalispell
  - September – Tribal Council Chambers, Pablo
  - November – USFS office, Kalispell
- Paul Williams Stewardship award – members unanimously approved providing 2013 award to Steve Rosso from the Flathead Lakers for his outstanding volunteers efforts related to AIS. The award will be presented at the November meeting 2013 FBC meeting.
- CORE funding request – members unanimously approved \$500.00 in funding for the first phase of curriculum development for the Flathead Sourcebook project.
- Appreciation Awarded to C. Miske by FBC members

**Columbia River Treaty Review Update**

- Pat Smith, Northwest Power and Conservation Council:
  - Phase I of the Treaty Review will end in December 2013. The first draft working recommendation was published in June 2013, and was followed by extensive open house meetings to gather public comments. Based on these comments, the revised draft will be released on September 20, 2013. Public comments related to the revised draft will be gathered through the end of October. In mid-December the recommendation will be finalized and given to the U.S. State Department. In Phase II the State Dept. will review the recommendation and determine whether the U.S. government will pursue Treaty renegotiation. If the recommendation clears the State Dept, Phase III, treaty renegotiation will commence, and the U.S. entities will reengage with regional stakeholders.
  - Issues of concern include:

- The region must reach consensus that the Treaty needs to be modernized, and if so, agreement on core components must be reached.
- Generally speaking, both the U.S. and Canadian entities agree that climate change concerns warrant modernization. Modernization would go beyond the two original functions of the Treaty – power generation and flood control – to include ecosystem function and a recognition that the Treaty will need to be adaptable in light of climate change considerations. However, is more needed to ensure ecosystem function over time?
- Montana has a lot to lose as 40% of the water storage occurs in Montana. If we convert to “called upon” flood storage in 2024, this could result in adverse impacts to Montana reservoirs and their ability to operate “Montana operations,” which protects our native fish populations. Currently, Hungry Horse and Libby dams are the only dams in the system that release water at select times to protect native fish, and “called upon” flood storage could disrupt this delicate balance.
- For U.S. power companies, the Canadian entitlement, which requires ½ of the power to go to Canada, continues to be an issue, as does the inclusion of ecosystem function. Power companies are seeking to reduce the Canadian entitlement, and may try to derail renegotiation of the Treaty if the entitlement remains the same, and eco-system function continue to be included. Companies are interested in a net power gain. If the entitlement is reduced, then they are more likely to support the inclusion of ecosystem function. Given power company concerns, it is uncertain as to whether Treaty renegotiations will move forward.
- Reevaluation of the flood standard in Portland, Oregon is very controversial, especially with certain tribes.
- Increased water supply requested by the states of Oregon and Washington via purchases from Canadian entities are controversial, especially with the tribes.
- The two U.S. entities – BPA and the Army Corps. of Engineers – are solely responsible for drafting the recommendation to the State Dept. Tribes, NGOs, citizens, etc. can only participate via public comment opportunities.
- The State Dept. is likely to more consider renegotiation if the region can demonstrate that consensus for modernization exists.

- Rich Janssen, CSKT:
  - Janssen supported Smith’s assessment of the review process, and pointed out:
    - Ecosystem function is the biggest concern for the Tribes, and it is important that we do not lose any of the gains that have been made related to native fish management.
    - The Sovereign Review Team (SRT) must have one voice, despite the various interests which makes it very difficult to develop consensus.
    - With the transfer of Kerr Dam in 2014, CSKT will also now struggle with how to best manage for ecosystem function.
  
- Kurt Lynam, BPA:
  - Explained that over 3,000 comments have been gathered to date on the working draft, and that all comments are being taken into consideration as the revised draft is being completed.
  
  - Last week, the State Dept. visited the region to meet with the SRT and other stakeholder groups, gathering information related to: hydropower, flood risk management, and water supply.
  
  - 2024 is the first opportunity that the entities will have to amend the Treaty, though most Treaty components will continue after 2024, other than perhaps “called upon” storage.
  
  - Lynam requested the following from the FBC:
    - Study the revised draft when it is released, and provide a letter to the U.S. entities explaining what should be changed in the Treaty and **why**.
    - Attend open house meeting in October 2013.

**Action Item:** Members unanimously approved the need to send a letter from the FBC to the U.S. entities related to support for modernizing the Columbia River Treaty by the end of the comment period in October. Jack Potter and Tom Smith to assist Caryn Miske with drafting the letter, which will include reference to the FBC’s trans-boundary responsibilities and protection of both environmental and economic values in the Flathead. C. Miske to coordinate with Rich Janssen in developing recommendations in FBC letter.

**BPA Funded Fisheries Mitigation Projects, Gael Bissell, FWP**

- Kokanee Bend South Conservation Easement (CE): Comprises 70 acres adjacent to and south of the FWP Kokanee Bend Fishing Access site. The Easement will be held by the Flathead Land Trust, not FWP. Benefits include: bull trout wintering and migration area; year round habitat for west slope cutthroat trout, seasonal habitat for lake whitefish; protects spring creek/wetlands and Flathead River bank and water quality. Project to be

approved at the end of September. Easement terms include: no subdivision; limited grazing and agriculture; timber management according to an approved plan; protection of steep slopes and native vegetation; and buffer to river bench. No public access as land remains in private ownership.

- North Shore Wildlife Management Area: Comprises 189 acres south of Highway 82 and adjoins the Flathead Lake Waterfowl Protection Area. The fee title acquisition by FWP to be approved by December. Benefits include: protect ground water, wetlands, and habitat adjacent to the north shore of Flathead Lake; foraging area for bull trout; designated important bird area by Montana Audubon; and important area for migratory waterfowl and recovering population of trumpeter swans. The management plan emphasizes restoration of riparian wetland buffers and natural wetlands while using agriculture to provide food/cover for wildlife. The site will be open from July 15 to March 1, for walk-in and day uses including hunting.
- Proposed Otter Island Fish Conservation area: Comprises 148 acres south of and adjoining the Old Steel Bridge FAS east of Kalispell. Purchased from a private land owner by CSKT in 2011 using BPA fisheries mitigation funds and being donated to FWP. Benefits include: wintering and migratory habitat for bull trout; 1 km of Flathead River main stem and 1 km of river/backwater channels; year round habitat for west slope cutthroat trout; and recreational opportunities for fishing and hunting. Terms include no subdivision; no commercial uses except agriculture; and right of public access. Management plan focuses on restoration of native riparian wetland forest; and weed management. Comment period closes October 9, 2013.

**Action Item:** Members unanimously supported the Otter Island project and agreed to send a letter of support to FWP prior to the end of the comment period in October.

**Bulltrout EIS, Rich Janssen, CSKT:**

Bull trout and west slope cutthroat trout are both culturally significant species for CSKT. Without these species, the identity of tribal members is diminished. Hence, there is a big push by CSKT to protect these native species. Extensive scientific studies showed more need to be done to increase the population of bull trout in the southern half of Flathead Lake. The science clearly showed that lake trout must be reduced to increase the numbers of bull trout and cutthroat trout. Last week, Tribal Council approved EIS Alternative D which will require a 75% reduction in lake trout using a variety of tools, including but not limited to netting. The State Fish and Wildlife Board also supported Alternative D. 500+ comments were generated via the EIS process, and 80% of those commenting supported a reduction in lake trout. Under Alternative D, population numbers will be evaluated annually.

Under a co-management plan, the Flathead Lake fishery was co-managed by FWP and CSKT. However, FWP pulled out of the co-management plan due to pressure from special interests. The northern half of the Lake is now managed by FWP, and the southern half is being managed

by CSKT. The Tribes would like to re-engage co-management of the fishery. See [flatheadlakeeis.net](http://flatheadlakeeis.net) for more information.

### **Northwest Salmon Biological Opinion, Kurt Lynam, BPA**

On 9/9/13, lead agency NOAA released the latest draft for public comment. BPA/ACE serve as collaborating agencies. The Bi-op calls for improved fish passage for salmon traveling upstream to spawn and for increased passage for smolts heading downstream. NGOs and fishing groups have already stated that the latest bio-op does not address their concerns. Points of controversy:

- Problem of lagging indicators. Prior to 2006 spill was limited due to dry conditions. However, in 2006, 2008, 2010-11 spill greatly increased due to wetter conditions. This year, fall Chinook returns are already more than 50% higher as compared to the 10-year average, and the season is not yet over. The NGOs contend that the higher survival rate is due to greater spill levels. NOAA agrees that spill has benefited survival rates, but argues that the benefits of increased spill must be balanced against the detriments of total dissolved gas levels which increase as spill levels increase. Total dissolved gas needs to be kept within 100% to 115% of normal. At 120%, increased gas levels trigger action from operations. NOAA maintains that increases in spill, PLUS barging and habitat enhancements have contributed to the significant increases survival, and no further increases in spill levels are needed. NGOs claim mortality from increased gas levels would be more than balanced by increased spill. This issue will likely be litigated.
- Reported improvements in open ocean conditions for salmon may also be increasing survival rates, though this is not yet fully documented.

### **FBC updates, C. Miske**

- Grants/Contracts/Pending RFP(s): Since the June meeting the FBC has finalized funding agreements with DNRC for Flathead AIS work (\$100,000) and with GNLC for trans-boundary AIS work (\$28,500). RFPs to contract out work elements under these funding agreements will be issued this fall.
- State Water Supply Initiative: FBC continues to participate in fledging effort via the Clark Fork Task Force.
- AIS highlights: The Highway 2 inspection station in Coram and the Curlyleaf Pondweed treatment effort to be discussed at the November FBC meeting.
- Working through the Crown Managers Partnership, the FBC will be facilitating the development of a trans-boundary AIS strategy.

**Public Comments/New Business:** None.

**Columbia Falls Aluminum Company (CFAC) site visit** included an introduction by Steven Wright, CFAC representative, and a tour of the plant, landfills, settling ponds and river site.

Meeting adjourned.