

## FBC MINUTES

June 18, 2014

### U.S. Forest Service Office, Kalispell

**FBC Members in Attendance:** Chas Cartwright, Chair; George Mathews, DEQ; Jasmine Courville-Brown; Jack Potter; Jan Metzmaker; Julie Dalsoglio, EPA; Kate Hunt; Chip Weber, USFS; Mark Reller, BPA; Susan Brueggeman, Lake County; Dean Sirucek, Flathead CD; Mark Deleray and Jim Williams, FWP; Jim Simpson, Lake CD; and Caryn Miske FBC ED.

**Others in Attendance:** Bill Baum; Mark Pitman, DNRC; Tom Cox, Flathead Lakers; Erin Sexton, U of M; Virginia Sloan, Office of Senator Jon Tester; Kirby Campbell-Rierson, Office of Senator John Walsh; Rachel Abeh, Office of Representative Steve Daines; John Wachsmuth, FWP; Rob Parker, EPA Denver and Victor Ketellapper, EPA Denver.

April 9, 2014 minutes unanimously approved.

September 10, 2014 Meeting Agenda agreed upon:

- Larry Peterman, lessons learned from Yellowstone spill
- Rail safety
- AIS
- Columbia River Treaty update

**Action Item:** Members unanimously approved Resolution of Support for the BOR WaterSmart grant submitted by the FBC to assist with efforts related to AIS, waste water management, and rail safety outreach we need a vote in support.

**Message from the Chair:** Chas Cartwright is now serving in his third year as Chair, and sought to give some context on how both he and the Executive Director spend their time. Cartwright mentioned that he provides supervisory oversight for the Executive Director, speaks with the ED almost every day to support the FBC's various efforts, and spends approximately 8-12 hours a week on FBC business. More specifically, he discussed a recent meeting he attended with Caryn Miske, Jim Simpson, Ray Beck, John Tubbs and the Governor to discuss high level concerns in the Flathead including but not limited to AIS, CFAC and rail safety. The meeting was fruitful, and Cartwright is committed to continuing to work on strengthening the administrative connection with DNRC, and developing a productive relationship with the Governor's Office to ensure that the FBC is viewed as an asset and resource. One result of the meeting was that the Governor agreed to consider bringing the issue of rail safety to the Western Governor's conference.

Cartwright also pointed out that one of the most powerful roles for the FBC is serving as persuaders and educators. However, since our resources are limited, and we must carefully consider when it is appropriate for the FBC to weigh in on an issue. For example, getting the Coram station up and running this year was not an easy task, and required lots of time and conversations with multiple parties.

Capacity is tight and many issues demand the time of the ED, so we need to be thoughtful as to how the ED spends her time. At the last meeting, the FBC discussed the impasse related to the adoption of the North Fork Act due to three errant senators who were obstructing the bill. Members discussed sending letters to those Senators, but those letters were not written due to other issues that were both more pressing AND more likely to have a positive result. When it comes to writing letters, they need to count and to move us forward. Letters that make us feel good, but that will not likely to result in a positive benefit, are not of great value. Let's focus on issues where we can make progress and further our goals and objectives.

Cartwright noted that he served two years as Chair when he was the Superintendent of Glacier National Park, and is serving his third year as a Governor Appointed member of the FBC since his retirement from Glacier. He explained that he enjoys serving as Chair and has an excellent relationship with the ED, but the by-laws require the selection of a new Chair at the end of his fourth year of service in 2015. He suggested that a Committee be formed to: (a) confirm that Tom Smith will transition from Vice-Chair to Chair; and (b) to nominate a new Vice-Chair.

**Action Item:** Jack Potter, Jasmine Courville-Brown and Tom Smith to serve on the committee to identify new leadership for 2015/16.

**CFAC Update:**

Rob Parker and Victor Ketellapper, from EPA Denver met with the FBC to discuss: (a) the spring sampling results; (b) eligibility for superfund site; and (c) next steps.

The team started with an overview of work done completed to date, including an overview of screening level assessment in which EPA tests for contaminants, migration, and adverse impacts to adjacent properties. The screening assessment provides the baseline for determining if tax payer funds are warranted for remediation. The screening level assessment included:

- Potentiometric mapping to ascertain groundwater flow direction and elevation -- flows south and to west (towards Columbia Falls).
- Goal in 2013 was to identify sources of potential contamination and determine if sources are migrating. Samples taken at adjacent residential wells, Flathead River and Cedar Creek.
- Contaminants in groundwater found on- site (near landfill) include: cyanide, fluoride, arsenic, lead, polycyclic aromatic hydrocarbons, aluminum, manganese and others heavy metals. Cyanide levels exceeded maximum acceptable levels.
- Percolation ponds exposed to environment and pose a threat to wildlife populations.
- Sampling documented migration of contaminants.
  - In the fall of 2013, sampled 4 residential wells to the west of the site and 1 to the north of the site and found that 1 west well and the north well had cyanide contamination, though below maximum contaminate levels. However, this finding warranted a second round of sampling.
  - In April 2014, sampled 20 residential wells, but did not find elevated cyanide levels, perhaps due to higher groundwater levels.

- Grab samples also showed elevated levels of contaminants (metals, sodium and fluoride) in the River and Creek in both surface water and sediment. Cyanide levels exceeded DEQ levels for aquatic life.

To date, sampling has been limited, and has not included fish tissue samples. Therefore, EPA is recommending more investigation both on and off site to better document the extent of the problem. Based on the initial screening data, the site is eligible for the National Priorities List (NPL). Listing would bring resources to site and community, including:

- Detailed remedial investigation to document nature and extent of risk and clean up options;
- Community visioning support (which could be undertaken prior to formal listing); and
- Legal remedies to ensure site is remediated and restored to specified level.

If the site does not obtain NPL listing, DEQ could attempt to use its analogous state laws to clean up the site, but EPA has more tools at its disposal in cases where the property owner is not cooperative in site remediation efforts. In order to obtain NPL listing, local and state support will be needed. The City of Columbia Falls has already expressed its interest in obtaining listing for the site. To date, the Flathead County Commissioners have not supported the City in this effort. Ultimately, a letter from the Governor to EPA requesting listing will be required. Once the letter is received from the Governor, the EPA can commence a more in-depth investigation.

Virginia Sloan commented that Senator Tester sent a letter to Glencore (owner of CFAC) inquiring about Glencore's hiring of a planning firm out of Toronto. Glencore responded that the firm would look at the social and economic impacts of the re-use of the site. Glencore promised stakeholder involvement, and stated that they approached previous owners of the site to discuss their portion of remediation costs.

Dalsoglio stated that if the community wishes to protect the fishery and/or other conservation values, and have some portion of the land devoted to commercial and/or residential development, the level of clean up will be quite different than that required for a site with purely industrial uses. Therefore, the long term use of the property needs to be considered by both the community and Glencore. Dalsoglio recognized that Glencore will play an important role as they are required by law to remediate the property to protect stated receptors (fish, drinking water, etc.). However, determinations related to future land use(s) are critical since these uses will dictate the level of clean up – with residential use likely requiring the most protective level of remediation.

Chas Cartwright agreed with Dalsoglio, but cautioned that the FBC and others should not get too far ahead of the community. He also noted that the EPA superfund listing for the site would provide a bigger stick and more funding to ensure that clean up occurs to needed levels.

Erin Sexton stated that it is important for the community to know that they have an important role to play in the future of the site, and community outreach should be undertaken especially in light of the site's location in the larger landscape.

Jim Williams expressed concerns about impacts to wildlife, and suggested that the teeth of game animals be tested for fluoride levels.

Jack Potter agreed, noting that the long term terrestrial effect of fluorides, both in sediment and uplands due to air borne contaminants should be studied.

Jasmine Courville-Brown suggested that EPA test osprey chicks for contamination.

Rob Parker responded to these comments by stating that terrestrial sampling is outside the scope of a screening level assessment, but could be undertaken in the next phase of testing.

Julie Dalsoglio then summarized the two step process for site remediation. First, the site needs to be proposed for NPL listing, a process which will include solicitation of public comments, EPA response to comments, and potentially inclusion of the site on the NPL. Once listed, EPA will work with the primary responsible parties (PRPs) to undertake a full scale remedial investigation. EPA updates the NPL list twice a year, and the earliest the site could likely be considered for listing is spring 2015, given that EPA has not yet received a letter from the Governor requesting listing. Once the request from the Governor is received, EPA can start enforcement negotiations with Glencore to undertake the site work, and the speed at which remediation occurs will depend in part on the level of cooperation from Glencore.

Chas Cartwright then asked “what role would the FBC have?” While Virginia Sloan advocated for the FBC to send a letter directly to the County Commissioners, the FBC unanimously agreed to send a letter of support directly to the Governor, with cc’s to the County Commissioners and others. The FBC letter would support the position of the City of Columbia Falls, and would build upon the conversation previously had with the Governor on this issue. In addition, the following actions would be undertaken or considered:

- Meeting with Flathead County Board of Health
- Participation in Glencore planning process
- Participation in EPA visioning process, if such a process is undertaken
- FBC members and others to speak directly to Flathead County Commissioners

For further information contact Rob Parker at: [www2.epa.gov/region8/Columbia-falls-aluminum-reduction-plant](http://www2.epa.gov/region8/Columbia-falls-aluminum-reduction-plant)

### **Update on Rail Emergency Response**

Jan Metzmaker reported on the BNSF public meeting related to emergency response. BNSF reported that the entire system is experiencing increased volume, not just oil transport. Currently, BNSF has 36 trains per day running through Whitefish, with 1.5 trains on average carrying oil. Based on recent statistics, 99.99% of the trains arrive safely at their destination due to proactive prevention efforts which have cost a total of \$42 billion, and \$5 billion this year alone. Trains are inspected daily, more than required by law. If a spill occurs BNSF uses its geo graphic response plan, which is specific to a water bodies in a given area, and including information on plume movement, high flow/low flow response requirements, response partners/contractors, boom strategies/locations, key habitat, sensitive

species, etc.. Currently, 6 fire fighters from Whitefish are receiving emergency response training. However, Whitefish does not have an evacuation plan yet.

Metzmaker further pointed out that BNSF is required by law to haul crude oil and other hazardous materials. If communities want safer cars, better detection devices, improved notification systems, etc., such change would need to be made through federal legislation.

Chip Weber explained that although transportation is federally regulated, emergency response is led by EPA and the Coast Guard as incident commanders, along with DEQ.

Chas Cartwright pointed out that is federal efforts are underway to improve safety standards, which will include an improved standard for tank car – though this will not completely solve the issues since cars can still rupture/leak.

Susan Brueggeman stated that the initial time response is critical, and issues regarding notification may still be an issue.

Jeff Mow stated that the initial emergency response efforts are a good start, but more will be needed, and members will need to review the BNSF draft geographic response plan, which has not yet been released to the public. He also noted that a float trip with BNSF, FBC and FS may be helpful to identify critical habitat in need of protection in the event of a spill. Possible table top exercises in the fall might also occur, and would assist in identifying gaps in the existing response plans.

### **TMDL Update**

Julie Dalsoglio stated that the sediment, nutrients and temperature TMDLs continue to be worked on, and should be available for public review by August 1, 2014.

According to George Mathieus , standards for wade-able streams, large rivers and lakes are in progress. Stakeholders raised concerns regarding the implementation of standards, and in particular discharge permits and compliance points. However, if standards cannot be met immediately variances can be obtained from DEQ to provide rural communities with time to adjust to the new standards.

It has not yet been determined whether the Tribes will set their own standards, or simply adopt EPA standards.

Dean Sirucek suggested a full update at the fall FBC meeting, including a presentation of the nutrient cycling data. Dalsoglio explained that nutrient cycling in Flathead lake has changed in response to changes in the food web. The role of nutrient loading is now more complex than previously thought. In Phase 1 of the TMDL process, a generic approach was employed, assuming roads contributed from 3 to 30% of the load. However, the real question is what the Lake's response to loading. So postponing the modeling and rethinking the issue has been worthwhile, but does not take away from the fact that upstream impaired waters continue to be problematic.

Jan Metzmaker asked if nutrient trading can be considered in place of expensive new plants.

Mathieus added that while Whitefish contributes part of the load to Flathead Lake, it is not a particularly big driver, and the power of the TMDL process sometimes overstated. Traditionally the mindset has focused on spending more money to build new point source facilities. Today, we are looking more at upgrades and better operations at existing plants.

### **Aquatic Invasive Species (AIS)**

#### **WATERCRAFT INSPECTION STATIONS**

Miske stated that the Highway 2 station at Coram opened May 1 (4 days per week 10 hours per day), run as a mandatory station operated by FWP on behalf of the FBC and its partners. However, compliance rates at Coram, as compared to 2013 (when the station was voluntary and operated by the FBC), was not higher. Compliance rates remain high, and Miske recommended that the FBC consider an alternate location and management structure in 2015. An alternate location for a site in Browning continues to be explored, and the use of a variable alert message sign and increased enforcement efforts would assist with compliance rates.

In addition, the Clearwater station is only operational four days per week, rather than seven. The staffing a Wibaux and Culbertson, the key stations in eastern Montana, remain problematic. The Culbertson site currently lacks a projected opening date, and Wibaux currently staffed half time. Most of the other stations across the State opened Memorial Day weekend, and Coram will shift to a 7-day per week schedule immediately prior to the long weekend. Miske explained that perimeter defense was not optimal, and the FWP AIS coordinator had recently resigned her position. It is expected that a new coordinator will be hired in the fall.

Quarantine regulations remain outstanding, and this is one of several items potentially requiring a legislative remedy, along with the need to obtain long term funding and better address the dynamics of boat transport.

John Wachsmuth reported on the operation of the Coram station as follows:

- Staffing and equipment in place and working well;
- 30 live yellow perch found during an inspection;
- boats to date -- 600 in-state and 50 out-of-state motorized;
- 254 motorized drive bys, with 111 of the drive-bys non motorized;
- As of June 1, 2014, increased law enforcement has started to reduce drive-bys.
- No zebra, quagga or milfoil found to date, but 11 boats with standing water.

Chip Weber stated that the USFS funding for Coram will eventually dry up, and a long term funding strategy is needed. Miske responded that the City of Whitefish, when it contributed \$15,000 to fund the Coram site, requested that the FBC seek additional funding assistance from other Cities. So the FBC is building local partnerships with local governments and NGOs, but additional work will be required to make up funding gaps.

Chas Cartwright noted that the funding strategy ties into the capacity discussion the FBC must consider, and fund raising is now taking up an increasing amount of the ED's time.

Dean Sirucek suggested a field trip for local state legislators to enhance their understanding of the situation.

Chip Weber stated that he met with national folks in D.C. and they know what we are doing in the Flathead, held it up as an example of proactive AIS prevention efforts.

#### **AIS DETECTION DOGS**

In the spring, 2 handlers and 4 AIS detection dogs completed their training with California Fish & Game to detect zebra and quagga mussels. The dogs will be deployed for 10 days in the Flathead, and 10 days in Alberta. Results from the pilot program will be reported at the September meeting.

#### **EDNA**

The lab protocols for zebra and quagga are completed. FBC and the University of Montana Flathead Lake Biological Station recently submitted a grant to BPA to develop the EDNA field protocol. The FBC should be notified shortly regarding the determination of this grant funding.

#### **Conservation Legacy on a Flagship Forest: Wildlife & Wildlands on the Flathead National Forest John Weaver, WCS**

The Flathead National Forest (FNF) includes about 2.4 million acres of public land holding a strategic position in the international landscape known as the Crown of the Continent Ecosystem. The FNF includes a community of carnivores (17 species) that appears unmatched in North America for its variety, intactness, and density of species. The FNF has been at the forefront of conservation in America for more than 80 years, and the Forest Service provided some of the earliest protection of wildlands in the United States by designating a 'Primitive Area' in the South Fork Flathead River basin in 1931. Less than a decade later, it connected several of these primitive areas into the Bob Marshall *Wilderness Area* ... thereby presaging The Wilderness Act of 1964 by nearly 25 years. The Great Bear and Mission Mountains Wilderness areas were added in the 1970s. In 1976, 219 miles of the Flathead River were designated a 'wild and scenic' river under the Wild and Scenic Rivers Act. In 2011, 45,000 acres of corporate lands were transferred to the Flathead NF as part of the Montana Legacy Project.

Montana FWP and various land trusts have invested substantially to protect critical wildlife habitat on state and private lands here as well. These collective achievements constitute a remarkable legacy ... but, in the face of new information and new challenges, it may not have been enough. Glaciers vanishing from Glacier National Park signal a new era of climate change. Climate scientists project warmer winters and hotter summers, decreasing snowpack and earlier melting in spring, declining stream flows and warmer streams, and longer wildfire season with more severe fires. In response, animals will need room to roam as they try to track the shifting location of their habitats. The future *health* of the Flathead will depend upon its *capacity for self-renewal* or resiliency. Such resiliency may depend upon ecological integrity of the place – its wholeness in terms of diversity of genes/native species/and landscapes. A smart strategy for resiliency is to protect and connect large landscapes that have high topographic and ecological diversity. Opportunities still exist on the FNF to build upon the legacy of wildland conservation and to bring greater resiliency to the landscape. In the FNF, the

'Inventory of Roadless Areas' tallied 479,416 acres. These roadless areas present a large-scale opportunity to complete the legacy of conservation.

**Bull trout and westslope cutthroat trout** exhibit high vulnerability. These native fish are adapted for cold waters – especially for spawning and rearing. Bull trout populations are impacted by non-native lake trout and brook trout, whereas westslope cutthroat trout can be hybridized by non-native rainbow trout. Bull trout and westslope cutthroat trout are vulnerable to several detrimental effects associated with roads such as increased sedimentation to streams. Finally, climate change may warm lower-elevation waters past their tolerance. Protection of large networks of waters that are cold, clean, complex and connected and reduction of non-native trout will help conserve these native trout. About 770 mi of streams on the Flathead National Forest have been designated as *critical habitat* for bull trout, listed as a 'threatened' species under the Endangered Species Act. These waters represent an important stronghold for bull trout in the Pacific northwest. Although several of these critical waters occur in existing Wilderness, many other streams in the North Fork, Middle Fork, and South Fork Flathead River and Swan River basins begin or flow through roadless areas. A network of cold-water streams supports the last bastions of genetically-pure westslope cutthroat trout in Montana. Cold and clean streams in the roadless areas may offer these native trout some refugia from the advancing threat of hybridization by nonnative rainbow trout.

Although resourceful in finding food and habitat, **grizzly bears** are vulnerable to excessive mortality due to their very low reproductive rate. Young females do not disperse very far, which makes bear populations susceptible to landscape fragmentation. Roads with even modest traffic volume can displace bears from key habitats and expose them to greater risk of human-caused mortality. Large areas of productive habitats with security from human disturbance and mortality are key for conserving grizzly bears, which also are listed as 'threatened' under the ESA. About 53% of the FNF has secure areas with high-value habitats for grizzlies, and another 27% has secure areas with moderate-value habitats. Roadless areas comprise 22% of these important habitats. About 7% has attractive habitat but low security due to roads. The highest density of grizzly bears in the lower 48 thrives on large expanses of roadless areas in the Whitefish Range of the North Fork Flathead and all along the Swan Range, with productive and secure habitats for bears to roam in a future of varying conditions.

**Wolverines** use areas characterized by persistent snow cover during spring for their reproductive habitat, summer habitat, and dispersal routes. Due to their very low reproductive rates, wolverines are vulnerable to human-caused mortality from trapping and appear sensitive to human disturbance near maternal sites. Snowy habitats for wolverines may shrink at lower elevations in the future as a result of warmer climate. The largest population of the rare wolverine in the conterminous United States roams the rugged terrain of the high country across the Flathead National Forest and Glacier National Park. About 70% of the FNF provides key habitats for wolverines. Remaining roadless areas in the high country on the FNF – particularly the Whitefish Range of the North Fork Flathead and along the Swan Range – provide habitat that will help sustain the unique niche and vulnerable populations in a warmer future.

**Mountain goats** have high vulnerability. They are constrained to live on or near cliffs that provide escape terrain from predators and more accessible forage in winter. Female goats have very low reproduction rates and cannot quickly compensate for excessive mortality (notably hunting). Goats are sensitive to motorized disturbance (especially helicopters). On the FNF, goats are found primarily in the Wilderness Areas, but rugged terrain in roadless areas along the southern crest of the Swan Range are part of year-round range.



To **summarize**: the FNF is a stronghold for several vulnerable fish and wildlife species. Remarkably, 90% of the FNF has a very high (75%) or high (15%) conservation value for at least 1 of the 5 focal species. About 76% of the FNF has high (35%) or moderate (41%) *composite* scores for this suite of vulnerable species. Importantly, remaining roadless areas account for about 21% of the very high-high importance values for individual species and 23% of the high-moderate composite scores. Highways, roads, and human settlements fragment intact landscapes. These 'fracture zones' can disrupt wildlife movements, leading to smaller and more isolated populations with less genetic interchange. Consequently, many scientists advocate the need for conservation corridors between habitats (existing and future) to support necessary movements and greater viability. A complementary strategy is to increase the size and number of protected, ecologically-diverse areas connected by such linkages

There are 2 major highways that have implications for connectivity in the context of the FNF and the larger Crown Ecosystem. U.S. Highway 2 (and associated railroad) is a major east↔west transportation route across the Rocky Mountains between the south boundary of Glacier National Park and the FNF. Montana Highway 83 is a major highway running north↔south through the broad Swan Valley between the Bob Marshall Wilderness and the Mission Mountains Wilderness. Based upon habitat mapping and using least-cost distance and Circuitscape modeling techniques, we examined the prospects for connectivity for grizzly bears, wolverines, and mountain goats across these highways. Except for the patches of human settlements, much of the U.S. Highway 2 corridor with its current traffic volume appears to be permeable for connectivity for these wildlife species. The section between Pinnacle (MP 174) and Skyland Creek (MP 194) could be considered as an 'umbrella' linkage zone for these species. Providing security on the adjacent roadless areas on the FNF could facilitate connectivity across the larger region. In the Swan Valley, a stretch of Highway 83 from Goat Creek (MP 58) south to Smith Creek area (MP 45) near Condon and another near the Seeley-Swan Divide (MP 32-34) are used by bears, wolverines, and perhaps mountain goats. Importantly, the roadless portion of the Swan Range could facilitate connectivity between the Bob Marshall Wilderness and the Mission Mountain Wilderness and complement land conservation efforts in the Swan Valley. Any future alteration of either highway should incorporate these key sections into planning for safe passage.

Public Comments/New Business: None.

Meeting adjourned.