

## MINUTES

Flathead Basin Commission

August 8, 2007

Vista Linda Restaurant, Somers, Montana

FBC Members Present:

Rich Moy, Clinton Whitney, Julie DalSoglio, Jim Simpson, Jan Metzmaker, Susan Brueggeman, Art Compton, Kathy Eichenberger, Mick Holm, Craig Kendall (for Cathy Barbouletos), Jeff Harris (for Joe Brenneman), Margaret Sogard, Mark Reller, Mike Volesky, James Steele, Jr., Thompson Smith, Caryn Miske

FBC Members Absent:

Jim Satterfield, Bob Sandman, Jon Jourdonnais, Dennis Philmon, Dan Bangeman

Also Present:

State Representative Mark Blasdel, Wade Fredenberg and Rox Rogers, U.S. FWS, Susanna Casey, Kate Hunt, Bill Baum, Robin Steinkraus, Flathead Lakers, Rep. Craig Witty, Larry Van Rinsum and Patti Mason, Flathead Conservation District, Don Loranger, Allen Wendt, PBSJ, Whitefish, Ken Spielman, Nancy and Jonathan Lippincott, Eric Giles and Jeff Harris, Flathead Co. Planning & Zoning Department, Marilyn Wood, Flathead Land Trust, Dr. Ric Hauer and Erin Sexton, FLBS, Will

Hammerquist, NPA, Sara Lundstrom, Denise Smith, Flathead Business & Industry Association, Ed Heger, Shirley Harrison, Mark Holston

The meeting was called to order by Chair Rich Moy at 10 a.m.

**ACTION ITEM:**

Minutes of last meeting were discussed. DalSoglio noted that the “contract” rather than “contact” should be used regarding Kate Hunt as the FBC web master. Simpson moved, Metzmaker seconded to adopt. Passed unanimously.

**FBC Strategic Plan Map:**

Compton explained the update of the map, will be used in FBC Strategic Plan. In the following discussion, it was mentioned that the Jocko River and lower Flathead River systems should be included. Smith said that he will review the map from a Tribal perspective. Kalispell is also not on the map. Compton will provide an update at next meeting.

**FBC Office Space:**

Miske updated the DNRC office space situation and discussed the future of the new DNRC building that will be constructed in the next two to three years, as well as the availability of space in downtown Kalispell and the loss of the lease of the current DNRC Regional Office.

Moy suggested that it needs to be discussed with the DNRC to see if the existing lease will be renewed. He said that if DNRC has two offices available, the FBC should stay there; if not, then other space should be considered.

WF Lake Institute and the FBC Monitoring Committee:

Miske said that the committee wants to ask Mike Koopal of the Whitefish Lake Institute to be part of the Monitoring Committee.

ACTION ITEM:

Metzmaker moved, Brueggeman seconded a motion to make the WF Lake Institute an ex officio member of the FBC Monitoring Committee. Passed unanimously.

FBC Speakers' Bureau:

Whitney said that in considering the negotiations being conducted with Canadians that the FBC should consider partnering with other organizations and try to identify members of the organizations to form a speakers bureau with a consistent message about the BC mineral issue. The bureau would provide speakers to address Rotary Clubs, realtors, and other groups, as well as local governments. They would "make the rounds" every six months or so with updates on the trans-boundary issue. The objective, Whitney stated, would be to encourage these other entities to discuss the issue with their local political leaders as part of the FBC's educational outreach efforts. Is a political exercise, not just a scientific exercise, Whitney added. People with credibility in the community should serve as speakers, he said, adding that the FBC would need to establish some criteria for who would be in such a speakers bureau.

Holm asked whether that would be a function of the FBC Education Committee. He asked whether bureau members would become ex officio members of the FBC Ed. Committee.

Moy commented that the FBC needs to be very careful about the message that's being expressed on behalf of the organization. For instance, power point presentations would need to be approved by the FBC, and that the presentation – talking points – should be reviewed by the FBC. Whitney added that the purpose would be to assist in getting the message across to the public, who in turn will influence their political leadership.

Moy asked Whitney to put together a one-page summary of what would be involved in the creation of the bureau. DalSoglio said that it should be coordinated with the FBC staff. Moy added that the FBC public information policy should be reviewed by Whitney to make sure that the speakers bureau is compatible with what that policy calls for.

PPOA Committee:

Compton reported on discussions of how the legislative appropriation is being used, with specific mention of the Bigfork storm water project. Miske was asked to detail how the \$300,000 legislation appropriation is being allocated.

Moy explained how the budget generally reflects what was presented to the legislature, but that some additional issues have come up, such as the British Petroleum coalbed methane issue.

FBC Monitoring Committee:

No report was made, as the committee has not recently met.

Large Lakes Conference:

The discussion included organization that would be involved, promotion, and other details. Regarding conference fees, Volesky asked about whether or not fees should be reduced for citizens to attend. There was clarification about whether panel members would pay a fee, and it was expressed that they would not. A question about food and non-food rates followed, and Metzmaker said that she would come up with a sliding scale for registration.

Loranger asked about having non “choir” participants, such as gravel pit operators.

The name of Bob Horn, a retired planner, was suggested for the “Land & Water Management” panel. Steinkraus added that this topic is a key area, and the conference needs to hear from lakes outside of the area.

Eichenberger suggested Dave Schindler as a keynote speaker, to discuss issues on global scale.

Jerry Diamond was suggested by Loranger.

Whitney described goals of the “Paying for Water Quality Protection” panel.

Discussed the possibility of having professional and planning board

members, health department representatives and others be able to obtain continuing education credits for attending the conference.

DalSoglio suggested having an “education” component dealing with invasive species. Fredenberg said that Eileen Ryce, MFWP, is the state’s invasive education specialist and would be a good presenter. Reller added that the state has a good invasive species program, and it should be looked at.

Whitney recommended that FBC Citizen Members be the moderators, as well as Lakers and CSKT members.

Sogard said that she was concerned about how little time was available for the Tahoe presentation.

Miske said that the conference could add up to two hours additional time on that day to stretch out the times for the panels.

Fredenberg suggested that some of the technical issues, such as invasive species, could be dealt with in a poster session.

Holm suggested that the committee be allowed to wrap up the conference schedule, taking into account the suggestions and conclude the planning.

Steele said that CSKT will pay for lunch at the conference.

State/Federal Appropriations:

Hauer reported that a funding request was submitted to U.S. Senator Max Baucus, with the cooperation of Sen. Jon Tester, and that it had received an appropriation as a line item, for a three to five year study. It ended up with approximately one quarter of the budget, but the appropriation will be given every year, Hauer added, so it is basically the same amount. The funding, he said, will flow through DNRC and the FBC.

Cline and BP:

Eichenberger reported no activity on the part of Cline Mining as of this time. The proponent, she added, is still considering all of the comments they received on the draft terms of reference, but that there were no legislative timelines, so she couldn't say when BC could anticipate when Cline will provide the Environmental Assessment Office with an update. No work will be done in Flathead by Cline this summer, she affirmed.

Regarding BP, she said that the rights to natural gas are transmitted through a tenure process and that proponents go through a competitive bidding process. Typically, it goes to the highest bidder. In 2003, BC put out a request for proposals in the Crow's Nest area, and in 2006, BP entered a bid. So far, the tenure has not been approved. BP is required to have consultations with First Nations, local communities, and others. Following that, she added, will be a negotiation process between BP and the government about environmental, social and economic impacts. Should a successful negotiation be completed, it would go to the BC cabinet for review. The province may require conditions that would make the work more costly, Eichenberger added.

BP has received a permit to do water quality and fisheries work, she said, and that they have applied for a permit to do some seismic work in the area planned to be explored. Their application should include information on where they intend to explore. She said that she believes that BP does not plan to do exploration in the Flathead this year.

Whitney asked about whether the province is approaching the development of mineral resources in a pro-active way or if its a partner with industry in attempting to develop such resources. Eichenberger responded not necessarily. She added that only about 20 percent of the total area BP is looking at is in the North Fork, or Canadian Flathead. Sexton asked if a copy of the application could be seen by the FBC. Eichenberger said that it should be able to be sent electronically.

Miske asked whether water re-injection in BC is dealt with as a regulation or a policy. The Ministry of Energy, Mines & Petroleum Resources will not accept any application that has surface discharge in it, Eichenberger responded.

Sexton asked if BP needs to demonstrate that they could actually do the re-injection before their permit is approved. Eichenberger said that she didn't think so, because the permit would require re-injection. Moy asked questions about access roads and drilling, and Eichenberger said that BP had already begun its baseline assessment.

Hauer asked whether anyone was looking at a cumulative affects analysis -- looking at all of the various projects. Eichenberger responded that, no, that was dealt with during the land-planning process. Sogard asked a question about influence of comments from local constituents, and Eichenberger said that comments are factored into the government's decision.

Moy said that more is needed to be understood about the hydrology of the re-injection process.

Eichenberger stated that her ministry is not an advocate of BP.

Moy added that the FBC had invited BP to attend an FBC meeting, but that the invitation had been rejected. He added that the FBC has been invited to meet with BP in Calgary, but that he is not sure if it meets the standard of public openness to which the FBC should aspire.

Baum asked about the success of the U.S. Secretary of State meeting with her Canadian counterpart. DalSoglio said that she did meet and expressed U.S. concern about the coal mine issue and the ramifications of impaired waters crossing the border, in terms of the Boundary Treaty. Moy said that he had no update on the meeting and its outcome.

Miske said she wants feedback on whether or not representatives of the FBC should go to Canada to meet with BP representatives.

Whitney asked what the FBC could expect to learn that it doesn't already know. Eichenberger said that it is an opportunity to convey concerns about the critical nature of the area and local sentiments.

Whitney said that he is concerned about meeting on their terms.

Holm asked whether it would be best to see this as a continuation of the initial contact that had been made by BP and the Office of the Governor. Steele said that it should be put in the context that we will meet in Canada if they will agree to return the favor and attend an FBC meeting. DalSoglio agreed, saying that it is a way to open the door. Sogard suggested that any meeting should be in Fernie, BC, which is closer to the source. Sexton expressed concern about the large "footprint" of CBM production, and that even work done in the Elk Valley could have some ramification in the upper Flathead.

Moy said that what he heard is that the FBC should have a meeting with

BP, with a small group from the FBC, to include a high level BP representative, and that we then can work to have BP come to Montana for a meeting with the FBC. He said that the Trans-Boundary Committee will take this recommendation under advisement.

Steele added that the CSKT is working to reestablish contact with the five Kootenay bands in BC, and will work with them on this issue.

Volesky confirmed that many types of correspondence have gone back and forth between Montana and British Columbia. It's time, he said, to communicate with the Premier again about where Montana stands with the MOU. In that light, he added, working to conduct a symposium before the end of the year to revisit the range of BC-Montana issues is a good idea. There's been a lull in the flow of communications between Montana and BC, but there is great interest on the part of many, he commented, pointing out a series of recent news media reports on the issue.

Steele asked Volesky about a role for the CSKT in such activities, and Volesky responded that the Tribes can count on it. Moy affirmed that, yes, the Tribes will be involved in the decision-making process.

NF Conceptual Strategy:

Moy gave background on the concept: Before we go to BC, he said, we have to show them that we have done some work on our side to deal with land management issues. He added that it would be good to have something to show at the symposium that things had been done and that it might be a way to start the discussion on our side of the border.

Harris commented that a good deal of this has already been incorporated into the neighborhood plan.

Heger cautioned that with too much discussion of this topic, it could open the door for such issues as road paving and wilderness, which are divisive in the community. He added that he thinks the new community plan should be finalized ASAP, but that with too much reexamining of this now, it could be counterproductive. Most people there now just want zoning to be done, he added.

DalSoglio said that the FBC can hold up the North Fork Conceptual Strategy as one of several initiatives that reflect the overall goal of Montana and local citizens to take steps to protect the U.S. North Fork. In that regard, although some of it is out-of-date, it is important, and that it can be related back to the goals of the International Joint Commission (IJC). Regarding the organization of such a symposium, Volesky said that state government will rely a great deal on the FBC to put together the symposium.

Trans-Boundary Committee:

Holm identified a couple of strategic goals, including the MOU between MT and BC, and the Cline Mine issue. As chair, he said he felt that he was in a tenuous position, being that the issues were State to Province. Holm resigned his position as the Transboundary Committee Chair. As things were being accomplished through other means, he added, the committee had not been active on those issues. There are others, however, such as the Crown Managers Process where activity would be likely. Holm said that he was questioning what the committee could do, as the goals were being met, but generally through other means.

Moy asked whether that particular committee was needed anymore.

Whitney said that the FBC needs to hold itself accountable to the actions called for in the strategic plan. If the committee is

terminated, those objectives need to be picked up by some other committee or process/person, he stated.

Steele said that the CSKT has a strong interest in the trans-boundary issues, and would like to have an opportunity at some committee level to allow the CSKT to continue its role in developing relations with BC Kootenay bands.

Moy stated that the FBC needs a Trans-Boundary Committee, one reason being for BC's involvement and also to oversee use of the federal appropriation for border monitoring and data-gathering. He added that what is needed is to review the Strategic Plan once a year on its anniversary to see if anything needs to be changed.

Holm also said that the Glacier Park staff had reviewed the monitoring plan, and thinks it is very good. He also reported on the upcoming 75th Anniversary of the Glacier-Waterton International Peace Park conference on global world peace parks issues.

Whitney commented that he thinks that the committees should report routinely on their action plans, as they were defined by the FBC Strategic Plan. That should be a standing agenda item. Moy commented that it is a great idea, and it will be incorporated.

#### ACTION ITEM:

Metzmaker moved, Steele seconded, to have Clayton Matt be chair of the committee. Passed unanimously.

Subdivision Regulations update:

Harris said that two provisions that have the greatest impact on water quality are floodplain and riparian setbacks. Fredenberg commented that he will make a presentation with Marc Deleray of Montana FWP to the Flathead County Planning Board about the need for buffer zones for water quality.

It was decided to comment as both individuals and as the FBC, and that Miske will prepare a draft of proposed comments to be circulated and approved by the FBC.

The county, Harris added, has also developed road standards for subdivisions, along with funding a comprehensive transportation study, with dust management is a primary issue.

Updates:

Hunt reported on the website's evolution, growth, and changes.

Brief updates were provided on VMP data analysis, EPA Watershed video documentary, SOPRIS Conference, various workshops, Critical Lands, and upcoming events.

Sogard said that after the Lakes Conference is over, she wants to look at the Critical Lands issue and the strategic plan before starting another initiative such as global warming and climate change.

Moy said that the next FBC meeting will be moved to after the Lakes Conference, and that he wants to revisit the Strategic Plan and organize a work plan for the coming year.

The next FBC meeting was set for Tuesday, October 30, 2007.

The meeting was adjourned at 4 p.m.