

**Governor's Upper Yellowstone River Task Force
Meeting Transcription
July 22nd, 2003
Yellowstone Inn
Meeting began at 7:00 p.m.**

I. Introductions

Members Present:

John Bailey, Chair	Jerry O'Hair	Bob Wiltshire
Roy Aserlind	Brant Oswald	Jim Woodhull
Andy Dana	Ed Schilling	
Michelle Goodwine	Rod Siring	

Ken Britton, USFS Ex-Officio	Allan Steinle, Corps Ex-Officio
Laurence Siroky, DNRC Ex-Officio	Stan Sternberg, MDT Ex-Officio

Others Present:

Liz Galli-Noble, Coordinator	Greg Aubae	Steve Golnar
Jacqueline Isaly, Assistant	Lenny Gregory	Daryl Smith
Deb Corbett, Secretary	Eric Morrison	Burt Williams
Mike Gilbert	Jim Robinson	Mike Merigliano
Bill Moser	Jason Lehmann	
Zack Bowen	Tracy Isaly	

II. Prior Meeting Minutes

John Bailey: Please review the previous minutes from July 15th; somehow we got them done.

Liz Galli-Noble: I want to say a special thanks to Kelly Wade, who worked extremely hard to get these done do quickly.

Jerry O'Hair moved to approve the July 15th, 2003 minutes. Roy Aserlind seconded the motion. The motion passed unanimously.

III. Financial Updates

EXPENDED GRANTS			
Grant Name	Completed	Amount	Study Component
DNRC Watershed Planning Assistance Grant	6/30/99	2,100.00	Physical Features Inventory
DNRC HB223 Grant	7/30/99	10,000.00	Aerial photography
DNRC Riparian/Wetlands Educational Grant	6/30/00	960.99	<i>Hydrologic Response to the 1988 Fires Workshop</i>
DEQ 319 Grant (1 st)	9/30/00	40,000.00	Coordinator position
DNRC Watershed Planning Assistance Grant	1/31/01	10,000.00	Watershed Land Use Study
DEQ Start-Up Grant	6/26/01	49,138.00	Coordinator position, Admin secretary, additional cross-sections, operating exper
DNRC HB223	10/1/01	6,500.00	Riparian Trend Analysis
BLM Funding	10/26/01	10,000.00	Wildlife Study
DEQ 319 Grant (2 nd)	3/21/02	58,000.00	Coordinator position
DEQ 319 Grant (3 rd)	9/30/02	44,000.00	Coordinator position
EPA RGI Grant	12/20/02	30,000.00	Geomorphology study
CURRENT GRANTS			
Grant Name	Amount	Spent	Remaining Balance
DNRC RDGP Grant (expires 7/03)	299,940.00	288,621.63	11,318.37
DEQ 319 Grant (4 th) (expires 3/04)	122,200.00	69,816.27	52,383.73

Liz Galli-Noble: You also have a handout that shows what we have remaining in the 319 Grant, and a projection of how those monies will be spent from now through November 1, 2003. Amy and I looked at our past spending for things like salary, printing, postage, etc. and estimated those amounts over the next few months.

John Bailey: We're putting in for grants for the Governor's conference. One place we thought we were going to get money, we got a flat 'no' without ever submitting. We're not coming here for approval this evening—I don't know if we tentatively passed that budget or not? I know we're still working on it; but, time is so short and we are moving to try and raise \$10,000 to \$20,000 additional. I want everyone to be aware of that. That money would be used for the conference, unless we needed to use it for Task Force-related budget items, which then would be freed up to pay for the conference. The 319 monies could go toward the conference. At least, that's what we're doing, and hopefully we will be discussing it in more detail in the near future.

Any discussion on the financial statement or this projected budget? I'd asked Liz to put it together so we'd have some sense of where we were.

IV. Other Task Force Business

John Bailey: Any other Task Force business before we move to recommendations?

None was brought up.

V. Task Force Recommendation Deliberations

John Bailey: Okay, at our last meeting we discussed moving on to other Topics of Consideration and addressing some of the less complex ones during the first part of this meeting. In the second hour, we will then move back to more complex topics that we've been discussing on and off for weeks now.

I see a couple of new faces here, so I will give you a little background on the process that we use during our deliberations. We are going through a three-step process for our recommendation deliberations (see **Attachment A** for details). Step 3 takes place when we're done making recommendations; we will revisit all of the recommendations and we can either amend, delete, or merge together recommendations. We can't make new recommendations. Tonight we're going through Steps 1 and 2. Step 1 is general discussion. We ask that the Task Force members speak first and then we open up the discussion to everyone. When we have completed our discussion of a proposed recommendation, we move to Step 2 and the Chair restates the recommendation and asks for final comments or questions—only the voting members of the Task Force may speak at this point. I will then see if we have consensus or not. And if it lacks consensus we'll move back into Step 1.

During the first part of this meeting, we want to cover GIS (Geographic Information System), Large Woody Debris, Uses of the River, and Overuses of the River. Then about 8:15 p.m. or so, we'll move back into more complex topics such as Fisheries and Fires/Floods/Drought. So, we're on GIS information; does anyone have discussion or recommendations on GIS?

So, Andy, do you propose that a clearinghouse [recommended by the Task Force] handle GIS?

Andy Dana: No, unless it has some relevance to whatever the subject of the clearinghouse is, and I believe that is bank stabilization techniques. I'm not sure we have to address it because GIS is state of the art and virtually all of the agencies that have information from that are mapping it now.

John Bailey: Do we want to make a recommendation to make it easy for local people to obtain GIS data? All this data that we have collected is going to be in GIS. If people are trying to do something along the river they need access to that data, right?

Andy Dana: Sounds like you're making a recommendation.

John Bailey: Well, I'm asking if the Task Force would like to.

Andy Dana: You should throw it out.

Roy Aserlind: I would like to make a recommendation that all GIS information—all mapped information—be available through the Task Force website.

John Bailey: Is that doable?

Liz Galli-Noble: No, it isn't, but we can add a couple words to that and make it doable.

Roy Aserlind: Cancel that.

Jim Robinson: You probably know, or maybe not, that Yellowstone River Conservation District Council is also getting involved with a physical features assessment, where they map different features such as bank stabilization, etc. That inventory has been done and they have contracted with the State Library in Helena to put that on the web and develop a user interface such that people can query and locate structures or information. One of the things we're exploring is how to integrate the inventory that was done on the upper river, for the Task Force, with the inventory that was done on the rest of the river; so that we would have a continuous system for the entire river, and people could locate structures and information about facilities along the river, not just bank stabilization and the like. So, that's in the works, being developed as a tool for the public, agencies, whoever.

John Bailey: Do we want to make that recommendation, that NRIS (Natural Resource Information System) do that work?

Liz Galli-Noble: If I might just add that some three or four years ago, I had discussions with NRIS and another GIS clearinghouse called GIAC (Geographic Information and Analysis Center), at MSU, asking for their assistance to do pretty much what Jim just said, and both agreed to help us.

Duncan Patten: One point is that you put all or much of the data in GIS. Obviously that takes certain types of software to access it. GIS can produce maps but to have GIS data available to the public, where the public actually has the software available to access the data, I don't see that as a possible tool. I mean, the GIS data might be available as a tool if the Task Force or somebody else (a clearinghouse) can produce a product that might be used.

John Bailey: Wouldn't it be useful to engineers or whatever?

Duncan Patten: Well, people who have the appropriate software, certainly.

John Bailey: But, Joe Public may hire the engineers.

Jim Robinson: So, like I said before, NRIS is developing a user interface to allow access to the public—to query it, so to speak.

John Bailey: I would then make the following recommendation:

#1. Proposed Recommendation by John Bailey:

"That the Natural Resource Information System (NRIS) houses all Task Force Geographic Information System (GIS) information."

John Bailey: Comments?

Laurence Siroky: I guess maybe Steve could help, or Ed. I think there's a certain amount of County and City capability to have this GIS information. Isn't there a County GIS system?

Steve Golnar: We share that system with them.

Laurence Siroky: I guess there is a system locally that information can be put on.

John Bailey: My thought is that we have a recommendation, and then afterwards we can point to something and say to people, "this is where you can go to get the information." We need people to know

that everything is in one location. If we have a recommendation, then afterwards we can go talk to the NRIS or whoever, and get it over there. I suspect we'll have to do that, but at least it's a goal that we would have in common. Because then the County or the City or whoever knows where the first place they ought to try is.
Comments?

Andy Dana: Do you want to limit it to just what the Task Force does? Or did you want to limit it to the proposed recommendations that we have and the follow-up studies, and essentially the fruits of the tree of research that we started here?

John Bailey: I don't care.

Liz Galli-Noble: I'm sure that they would also be willing to post publications, final reports, those types of things—although the majority of those will fit on our website.

Jim Robinson: Just thinking about this, there is a tremendous amount of electronic information that has been generated as part of this project, such as the photos. I know we're not concerned with it at this point, but it's going to take some resources or interest to do the post-processing and make the stuff available. So, there's a sort of unfunded mandate. I guess we're not really concerned about how it's going to happen at this point.

John Bailey: Maybe the Governor will help get it funded. That would be the only reason to keep it somewhat limited, because I know that NRIS has a big backlog at present. Other comments? Anyone? Ready for Step 2? The chair will reread the proposed recommendation, "That the Natural Resource Information System houses all Task Force GIS information." Task Force, any final questions or concerns? Are we in agreement? Okay, this recommendation reaches consensus.

Recommendation Passed by Consensus

"That the Natural Resource Information System (NRIS) houses all Task Force Geographic Information System (GIS) information."

John Bailey: Ok, back to Step 1. Anything further comments on GIS? Are we ready to move onto Large Woody Debris? There must be comments on this one.

Andy Dana: I don't have a recommendation. I'm sorry there wasn't a specific study to look at the issues surrounding large woody debris, although I guess Chuck Dalby is mapping part of that; or you are, Jim? My impression is that large woody debris is really not a problem other than when it affects infrastructure. We know it provides benefits to the ecology of the river. It slows down water velocity movement, for one thing, which helps the river maintain geomorphic shape. I can't remember the classification above Carter's Bridge—the braided geomorphic type; and I guess I would be reluctant to consider a proposal that addresses in a comprehensive way the removal of large woody debris such as the one commented on.

John Bailey: In the beginning, after the floods of 1996 and 1997, the one comment I heard a lot was, "we've got to get all those dead trees out of the river." If I understand what you're saying, you think we ought to be proposing a recommendation to leave them in.

Andy Dana: No, I'm not ready to propose that, I'm just saying that they serve some function in the river and that we probably don't have the data to support a recommendation either way. My gut feeling is that it's probably important and without working data, I would be reluctant to endorse a proposal to remove it.

John Bailey: Zack, did your data show that it's beneficial?

Zack Bowen: What we did was draw outlines around woody debris that were visible in the three regions that we did the intensive modeling work on. We used those coverages to see if we could rework them and produce realistic model reductions in velocity from the woody debris as it would affect fish habitat.

That's just one thing, but that's what we did and it does make a difference in terms of providing velocity shelves. You can see it throughout the river flow. Behind a big debris pile there's an eddy and those are important shelters for fish. They're important for a lot of other reasons to, but that's just what we looked at.

John Bailey: Other comments on large woody debris?

Rod Siring: My thoughts, and what I've seen since 1996/1997 is that probably the most disturbing material was that sand bar that spread the currents in different directions, took out islands, took out the banks in one particular area. We used to have a real nice fishing area down through there, and now that is not the case. Since those floods got through there and the action of about four great big cottonwoods with root balls on them. The river was still high and it wasn't cutting through. All there is out there now is a big sand bar with a scar through it to let the water through. As far as helping fish, I don't believe in that particular instance it helped any. It's out there, high and dry, waiting for the next high water. I know, just like John, I remember thinking, "something has to be done about that; it is quite a problem." I've thought for quite some time that maybe, just maybe, after high water recedes in the Yellowstone, we have to go down and knock the root balls off of those big cottonwoods with trees. So that if the tree came down, it would do less damage, because the stream's aim would be to flow right by the pile of logs, if the river so decided. But, I feel that's the most damaging thing we have to the river right now.

John Bailey: Are you proposing a recommendation?

Rod Siring: I don't really know what to propose.

John Bailey: Well, do we need more study on large woody debris?

Duncan Patten: I'm not a large woody debris expert but there's a lot of literature on large woody debris in rivers of various sizes. In most cases, obviously they play a major role in optimally modifying channels and flow direction, but they also play a major role in providing life habitat. In general, the feeling has been that in most streams this is an extremely important aspect. There's also organic input as they begin to disintegrate and fall apart. But yes, they do alter much of the dynamics of the river as would anything you threw in there. That's nature's way of essentially throwing stuff in the river and putting organic matter in the river and creating habitat, changing flow directions, altering gravel flows, and all the rest. But you say, "Well, we want a clean river." There's a down side to that as well.

Jim Robinson: It seems that some of the difficulty arises when the large woody debris poses a threat to some of the infrastructure, such as 9th Street Bridge or Carter's Bridge, etc. etc., so perhaps the recommendation should be that future structures be designed so as to accommodate the movement of debris.

Jerry O'Hair: Well I've had a number of landowners contact me with regard to large woody debris and a lot of them felt that it is the cause and effect of bank erosion, because woody debris tends to create a sand bar and blocks the river one way or another. One of the things that has been a concern of mine is that debris also has a tendency to flood small overflow channels, and consequently it diverts the water one direction or another and does cause property damage. Some of these high water channels become flooded to the point where they no longer function, so I'm not entirely certain that it's beneficial. I know that in Arizona the state and cities have made one of their priorities to clear up the river channels of woody debris to prevent flooding and property damage. So I'm leaning more toward trying to get some kind of a program on large woody debris. I think woody debris is a pretty good indication of what's happening along the riverbanks – that there's some definite erosion going on there. Otherwise we wouldn't have it.

John Bailey: Comments?

Andy Dana: I don't disagree with that, but wherever there's a region and a pile up of woody debris that cuts off the high water channels or reduces the flow, then you're potentially creating habitat for cottonwood bottoms to replace the large trees that have come down. That's my concern as a landowner.

I want to make sure that those cottonwood bottoms have a chance to regenerate. Those are crucial to some of the winter shelter, as you know, down river. So, I agree that on a site-specific basis removal of large woody debris is probably appropriate to protect infrastructures and open up channels in some circumstances. But I my initial comments that a large scale effort to remove the woody debris, I guess I don't know enough about the ecology of the river, or maybe I suspect enough about it that I think that it might be a mistake for the function of the river.

Roy Aserlind: Well, I would have a question then, too; how does one remove large woody debris from the river? And point two, what do you do with it?

John Bailey: Comments? Any recommendations?

Mike Merigliano: I have a few comments that I think might address all of these questions. (1) Jerry was saying that trees and woody debris seem to be everywhere—gotten more prevalent—and there's probably some truth to that. But there are a lot of major rivers with no vegetation whatsoever, that are also very similar to the Yellowstone, and then take the trees and the vegetation away and there you go. Years ago, in the Pacific Northwest—this reminds me, back in the 1970s when I worked in northern Idaho—it was very common to rip trees out of streams for the very reasons that some people have said here. Now, we're putting them back in, for reasons I don't need to mention. There's also the question of some channel blocking; some rivers do get blocked a lot. On a river in British Columbia, which is a great river—cottonwood growing and some spruce and whatnot—tremendous blocks of these side channels do occur; they'd go up one bank and cut that off, raise the channel, shift it. There doesn't seem to be as much of that through the Yellowstone compared with the BC river. Al Zale asked me why that is the case, and the only reason I can see, based on my experience with these rivers, is just the channel turns the trees a little different. The Yellowstone is fairly deep, it's wide and it's shallow, but compared to some of these other virgin rivers it's deep enough at these crossovers (where these side channels break off) that the trees don't hang up there quite as much. The real classic braided streams tend to be real shallow at these crossovers and the trees just hang up there and bunch up, and then you have a big clog. Except for isolated places, at least in comparison to these other braided rivers that really do mean a lot more to critters, the Yellowstone is relatively quiet. And the other thing is, when I worked on the Snake River we had the same thing, big shrubs, lots of trees hung up on bars. When you look at it from above and you start mapping, the river is a dog and these trees are just the tail. It has some local effects, but it doesn't really change bar size and shape very much. On smaller rivers it certainly does, and there's been a lot of research on woody debris and channel form.

John Bailey: Other comments? No recommendations?

Bill Moser: When receiving some data from some of these groups that have been supplying new data it becomes very obvious that the river during spring runoff is an entirely different deal than it is the rest of the year. The volume of the water and the slopes of the river would not run as a classical sewer or irrigation system without more water being piled in on the upper end throughout the majority of the year. So a recommendation that might apply to a high water situation or a spring runoff situation might be exactly the opposite as that which would be desirable for the other nine or ten months of the year, and visa versa.

John Bailey: Thank you. Any other comments?

Jim Robinson: I just had a question. If somebody sees that some large woody debris is threatening his property and he wants to take action is that possible? Does he need a permit? How does that work?

Bob Wiltshire: For sure he needs a 310 Permit.

Andy Dana: My recommendation is:

#2. Proposed Recommendation by Andy Dana:

"To continue policies that allow removal of large woody debris on a localized basis to protect public and private infrastructure, to assure public safety, and to allow side channel function in the event of a blockage."

John Bailey: Is that during a flood or anytime?

Andy Dana: To continue current policies.

Bob Wiltshire: Does the current policy allow for the removal of large woody debris in the event of a side channel blockage? And who would make the determination of when a side channel is blocked, and when the debris should be removed?

Andy Dana: I think if it's continuing current policy it gets into the "pre-tem" process. So that if a landowner or a public agency, such as the Conservation District, decides that we've got a real problem with side channel blockage here—we need to open the side channel, maybe to prevent damage to public or private infrastructure—you go through the permitting process, and the permitting authority would make that decision based on the arguments presented by the applicant.

John Bailey: Allan, would the Corps have a rule on this?

Allan Steinle: It wouldn't require a 404 Permit, but below Emigrant it would be subject to Section 10, which is our navigation authority. So, yeah, below Emigrant a Section 10 Permit is required to remove large trees from the river.

Bob Wiltshire: Can you tell us if those permits are routinely requested on the Yellowstone?

Allan Steinle: They're not.

Andy Dana: I put in the public safety criteria actually because of a tree on our ranch that's been there for several years and has sunk several drift boats as well as canoes. We have toyed with the idea of taking it out but haven't, because of the permitting hassle, basically.

Allan Steinle: No hassle, Andy.

Andy Dana: I've got to find the form.

John Bailey: Any other comments?

Jerry O'Hair: My question to Allan is, can woody debris be mechanically removed or does it have to be done by horse or human movements?

Allan Steinle: There are no restrictions. We look at it case by case. Somebody may say blasting, and we can come up with some unusual ways of doing things; but if you wanted to use some mechanical method and it's being done for those reasons listed on the screen, and it's fairly small scale, I don't see why we wouldn't approve it. If we were to find out that there was a particular fishery concern in that area at that time, we might just ask you to wait and do it later.

Jerry O'Hair: My question came about because after the floods of 1996 and 1997, there were some people—and I'm not sure whether it was county or what—who came in and took a chainsaw and cut the timbers into pieces thinking that they would float away. The reasoning behind it was that they didn't need a permit to do that work, whereas if they did it mechanically (with a tractor or something) they would need a permit. Is there a difference?

Allan Steinle: You know, there isn't, Section 404 is fairly clear. That deals with dredge-and-fill activity. Section 10 is a lot more broad. It deals with practically any work in a navigable waterway. If someone's going out there with a chainsaw and cutting limbs off of trees, I don't want to regulate that. If we took a real strict interpretation of Section 10 perhaps it would require a permit. What I can say is, if you're pulling out whole trees, that's a Section 10. The situation you talked about Jerry, I think is on the fringe. I couldn't give you a good answer.

Jim Robinson: My question is with “basis to protect public and private infrastructure... .” Is that private infrastructure that exists or future real estate development that would occur over time? So, I guess this means that for all time we could continue to have private infrastructure and we could keep on protecting it ... that’s the way I read it anyway. Maybe it just needs to be clarified.

Andy Dana: I’m not sure it needs clarification. Private infrastructure is private infrastructure; and if that’s something that needs to be protected and you make a case to the permitting agencies that there’s a good reason for it, then I think that there should be some flexibility to remove that large woody debris. An agricultural head gate for example, or a tree that threatens a pump system.

John Bailey: My concern on this issue has been, after the floods of 1996 and 1997 there were people who, although they knew they couldn’t get a bulldozer and take them out, wanted to take every cottonwood out of the Yellowstone. If the Task Force goes on and makes no statement about large woody debris, I think these people are going to think that it’s okay. In 1996, if you remember, we had all these trees from the 1988 fires in Yellowstone Park go by; it was astounding to see all those pine trees going by. We’re used to cottonwoods, but whew, that was something. I think that so many trees went by it just elevated everyone’s worry about that subject. It was such a big issue in those two years. In my view, no recommendation from the Task Force can say, “You could do wholesale removal.”

Bob Wiltshire: I’m a little uncertain about some of the language in here. For example, “allow side channel function in the event of a blockage,” I recognize that we’re leaving that determination up to the permitting agency because we’re going to allow it to take place under continuing policies. But that seems to imply that we consider any blockage to be negative, and I’m not sure that every blockage is a negative. I’m wondering if we could maybe change that to say something like, “to allow side channel function when necessary.”

John Bailey: Any further comments? Are we ready to go to Step 2? Okay. I will reread the recommendation, “To continue policies that allow removal of large woody debris on a localized basis to protect public and private infrastructure, to assure public safety, and to allow side channel function when necessary.”

Are we comfortable with this? Seeing no negatives this recommendation reaches consensus.

Recommendation Passed by consensus

“To continue policies that allow removal of large woody debris on a localized basis to protect public and private infrastructure, to assure public safety, and to allow side channel function when necessary.”

Any further discussion on large woody debris? Are we ready to move on?

Bob Wiltshire: I’m not sure where to put this and I’m not sure it’s even a recommendation. I have a concern and maybe it’s got no base in reality and maybe Duncan or somebody can tell me. Floating the river I just can’t help but be struck by the number of trees that are being dropped by beaver. I don’t know if it’s a problem or not, but it certainly is dramatic. There are banks where we had a fringe of cottonwood and we no longer have that fringe of cottonwood. Floating past the Pine Creek Island is just amazing.

Duncan Patten: The basic answer is that the beaver population is going up in this area, and in some cases they’ve been reintroduced. The question is do you want to see beavers playing a role in creating large woody debris and essentially modifying the riparian vegetation community? That’s a natural process. Eventually they’ll be damming up side channels and creating wetlands, which is also a natural process. If you go over to the Gallatin you see that the mainstem of the Gallatin was dammed up by beavers and it forced the spring floods to basically cut a secondary channel. That’s what’s happening and you can address it. I’m not sure there’s a recommendation there. I’d ask Mike Merigliano, “what do you think?”

Mike Merigliano: Well, we’ve noticed beavers more than previously. On the Snake River, a similar river that I studied before this one, there was beaver-caused mortality and it came out to less than 5 percent of

the overall vegetative coverage at that time. But I also now see old beaver damage. The folks that study beavers—the way they forage—found their preference is for small stuff near the river. The further they are from the river the more susceptible they are to predators. So occasionally you see a big tree cut, especially if it's near a bank, but they've got to gnaw on that thing for hours—they're more exposed; it takes more energy; they don't have much habitat—so the tendency is for them to favor the young stands and occasionally they'll get some old ones. That's what we see. The Yellowstone area is even more that way. There are fewer trees, so when you lose a few trees it's like half your stand. I must admit, I'm really surprised that there is any cottonwood left when you see the beaver damage and you think about it happening year after year. But, like Duncan says, it's a part of the system as far back as the Lewis and Clark journals, so they probably co-exist.

Duncan Patten: Does that answer your question?

Bob Wiltshire: I guess. I recognize that before we came, there was the river and there was the beaver and there was some sort of a balance that probably wasn't any sort of a straight line.

Duncan Patten: Pre-1820, but then they were extirpated for 20 years. Now they're coming back, but it's a very cyclical type thing.

Jerry O'Hair: I think that when they made this study on cottonwood stands at my river bottom down there they indicated that they were all about one age. Mostly they were regenerated from the time that white man came in here, that'd be my conclusion. Prior to that it's pretty apparent that there wasn't much in the way of cottonwood trees; so I'm kind of wondering if, at the time my great grandfather was living here the river bottom didn't have any trees on it.

Duncan Patten: I don't know about this area, but there were lots of areas in the west where rivers, at one point, were just a series of wetlands, with a very limited amount of cottonwoods. Once the beavers were gone, the rivers became rivers and became lined with cottonwoods. So, what Jerry talks about could well be true in this area. Those are personal observations... that's what people report.

Mike Merigliano: In our report we did recommend a beaver study, for future study. We also have historic pictures in our report—some from Wineglass Mountain upstream and other scenes—and there are clearly mature cottonwood hills in those photos from 1871. I'm not sure if your grandfather was here before then.

Duncan Patten: You've really got to get back pre-1812 to find out what it was like.

Mike Merigliano: We've dated trees at 300 years of age, so they've been around.

Duncan Patten: So much for beavers.

John Bailey: Other comments?

Bob Wiltshire: Well I would certainly recommend that further study be done. I don't know, Mike – you say that you've recommended beaver studies?

Mike Merigliano: Yeah, as far as the future—research into beaver impact.

Bob Wiltshire: I wasn't prepared to make a recommendation tonight, but one of the things I think we all accept is that we, as humans, put our stamp on the river. And, one of the things we value are mature stands of cottonwoods, recognizing that we need the beaver to regenerate those forests, and we need flooding and we need the rest. I'm not going to close the door on possibly making some sort of recommendation that might address that in some fashion.

John Bailey: We may only have a couple more meetings.

Bob Wiltshire: I recognize that but I'm just trying to get a feel from the group whether anybody else thinks we ought to take a look at this.

John Bailey: Steve Golnar, does the City want us to make a recommendation to kill all beavers?

Steve Golnar: I get the hard jobs.

John Bailey: Well, I know that it's on your agenda almost every meeting, isn't it? It's become the new topic at the City Council meetings.

Steve Golnar: I think in the urbanized areas they are kind of classified as a nuisance. I think that's a question for Lenny to answer.

John Bailey: Well, you are here, so I thought I'd let you take the heat.

Duncan Patten: Actually, if you look down on Eagle Creek and areas like that where they were reintroduced not more than ten years ago, essentially people are wiring the trees that they want to keep because the beavers have gone 'gangbusters' down there. They've spread into Yellowstone Park, but essentially you're putting back part of the system, and maybe we don't like it.

John Bailey: Women wearing fur and beavers responding quickly.

Roy Aserlind: This may sound like a very facetious question, but what does a beaver bring in the open market now? I had worked my way through high school poaching beavers—I think it's beyond the statute of limitations now—and I'd get \$3 a pelt for them.

Michelle Goodwine: I was just quoted that I will be charged \$75 per beaver to have them trapped. So, there's little or no value in them.

Steve Golnar: Mr. Chairman, I will follow up with the beaver issue. It is a problem, particularly in the urban area, around the parks. My commission has identified that they will support, basically, the elimination, eradication, and annihilation of beaver. I also think that Trout Unlimited, who we've worked with for the Fleshman Creek enhancement project, has initiated a proposal to eliminate the beaver from the Fleshman Creek channel, which stretches from the Yellowstone up to certainly "H" Street and beyond. I think that after some additional public comment they might give up on that stance, but there is some inconsistency with the beaver dams in that type of channel and the fish habitat, and the ability for the freeflowing river to continue. It is a challenge and I think that we will continue to try to do something at the city level, and we would appreciate any comments about control. I think that beavers can get out of control, just like any other wild animal population, if you get too many people around them. That's kind of a balance between nature and an urbanized area.

John Bailey: Other comments?

Michelle Goodwine: My concern is... On my property the way the bank is tree-lined at this time—I should say the remaining trees that the beavers haven't already taken—if they continue to remove the bank and my bank has been compromised, I may have to go and apply for a permit at some point in the future. Whereas, what we were talking about at the last meeting is more soft stabilization methods; without taking care of the beaver I may be forced to deal with that. I can appreciate what everybody thinks their typical behavior is; my personal experience is, even though I've wire-wrapped over 180 trees on my property, they will go above the wire and take it over the top. They will also stand on something else to go over the wire and I've got trees that are wrapped up over four feet high. I've also had them come into the very top of my bank, take out a stand of five trees, fallen toward my house, hit my deck, and not come back and take them all the way, just leave them there. There are several other trees available and these are large ones. I've considered all kinds of options including: painting my trees with paint containing sand, which has to be re-applied every year; any kind of pepper spray that you can put on them; and chained dogs—I have two dogs right now and that's not enough to frighten them away. The five trees that they took that were closest to my deck happened between 8:00 am in the morning and

when I came home at noon. It's a problem and the only way that I can deal with it that is effective is annihilation.

John Bailey: Further comments? Hearing none, I want to move on to additional topics: Uses of the River; Locations of Use; Over-use of the River. We must have some comments on these ones.

Bob Wiltshire: I guess I'll make a few comments. I've been floating the river for many years and it was quite a shock to me late Sunday night, taking off the river at a historically little-used boat ramp, we had to wait third in line for people to load up their boats. River use is increasing dramatically and I think we all recognize that. I think that any recommendations that we were to make would be looked at through the filter of the River Recreation Advisory Council, which has just completed their work. It's not a governor's task force, but an official public/private entity that's made recommendations to the FWP Commission on statewide river use allocation issues. I think it's likely that anything that we recommend would be viewed through that lens at this time. Having said that, I'll also say that's never stopped us from recommending anything else.

John Bailey: Comments?

Andy Dana: I think it's a problem, as Bob pointed out, or a potential problem about use and over use of the river. On the other hand, I sort of scratch my head and look at our charge under the Task Force Purposes and I'm kind of groping for a way to tie this issue to the charge.

John Bailey: It came more from the socio-economic study. There were a lot of comments made that really didn't fit under any of our other Topics of Consideration; Liz added the "use" topic because it was brought up during our Task Force meeting discussions. I want to make sure that these issues that were raised are addressed at this stage, and if we don't want to do anything about it, we can move right on.

Andy Dana: Now that I'm looking at our charge from the Governor, the last line of the first sentence says "develop shared understanding of the issues and competing values and uses that impact the Upper Yellowstone River," so this is within that mandate. I was thinking more in terms of what aspect, so maybe it is appropriate. I don't have a recommendation.

John Bailey: Any comments? Anybody... hearing nothing we'll move on. Those were the topics on our list that we considered might need more time. At our next meeting, we can begin with Indicators of a Healthy River; Planned Development, and then move into the 13 topics listed under "Others." Maybe what we want to do is just ask, under Others we've got one called Water Quality. Do we want to make that an agenda item? I'll put all these on the agenda if you want. I'm just going to run through them. If you don't want them, fine. However, somebody can always make a recommendation on any of these, I'm not trying to stop that. Do we want to have a discussion on Water Quality? Hearing none, I'm taking water quality out, unless somebody brings it up. Yellowstone National Park Management and Watershed Management.

Andy Dana: I think we should leave these open. This flags the issues for people who want to come in and raise certain issues in this.

John Bailey: Should I put them on the agenda for the first part of the meeting. That's all I'm asking.

Andy Dana: I think you should. That's what I would recommend.

John Bailey: Okay. Is everyone in agreement on that? Fine, then we will do that. We might have to split them up.

Andy Dana: At that meeting you might run down the list and say, "Does anybody have anything more than these topics?" But at least they're on that agenda.

John Bailey: So we'll add some of those for the next meeting. Now we'll move into: Sediment and Dredging, Fisheries, Fires/Floods/Drought; and if we get done with those we'll start on some of these

Others. When we started we had some recommendations on Fisheries, so let's put our comments right now to Sedimentation and Dredging. Comments?

Roy Aserlind: I could refer to Bill Moser's comments to the Task Force concerning the dredging that went on at 9th Street Island. I'm talking specifically about Eggar's operation. I think, Bill, you mentioned 4,000 to 6,000 cubic yards a year. As I read that it seemed that it was a very salubrious thing for the river at that time. I think it did the river good, but I'd hesitate to be the person that would bring up resumed dredging anywhere, though. At least I do want to comment on Bill's well thought out, well presented comments that indicated that dredging—in this instance—really performed a great service for the river over a number of years.

John Bailey : Other comments? Jim.

Jim Robinson: At Bill's suggestion I contacted the Eggar family and spoke to his wife, who indicated that she'd thrown out their dredging records. But, when I talked to her, she said that they had ultimately been shut down for water quality concerns, and I suspect it's because of the turbidity associated with extraction of the streambed.

John Bailey: I also remember that as more people built houses on the river—sort of across from there, on the southern tip of the island—the social pressure became very great to have that gravel operation stopped in the river. That certainly goes back to the social-economics and there's no question about the fact that there's been a radical change in those two things along the river, even in my lifetime.

Jerry O'Hair: As a member of the Park Branch Canal, we do have a sedimentation and dredging problem. In order to maintain our flow, we had a man-made structure installed at the head of the canal that requires a certain amount of dredging and maintenance in order to provide water for the canal. Along with that there are numerous small canals up and down the river and pump sites that require a certain amount of dredging in order to maintain their integrity. So, it is an ongoing problem.

John Bailey: Do you have a recommendation?

Jerry O'Hair:

#3. Proposed recommendation by Jerry O'Hair:

“Allow necessary dredging of sedimentation to maintain irrigation structures and canals.”

John Bailey: Is that it? You looked like you might have something more.

Jerry O'Hair: I think that's it. I was thinking that there may be other cases, particularly in the City of Livingston that may require some dredging of sedimentation to stop flooding or for public safety, but that's something that's a little out of realm.

Roy Aserlind: Jerry, is gravel included in your definition of sedimentation?

Jerry O'Hair: Yes

Bob Wiltshire: Jerry, I'm assuming here that you're intending that dredging be allowed?

Jerry O'Hair: Yes.

Bob Wiltshire: Then I ask the same question that gets asked all the time. Who makes that determination? Is it allowed under permitting process? Are we asking for something new to be created? Under what conditions? All that. I guess the real question is, are you asking for a change from what the current policies are?

Jerry O'Hair: Well, the Montana law has been changed in some instances with regard to dredging to maintain irrigation canals and structures. It changed in the last legislature and I'm not exactly certain what it entails. My particular instance is the channel that feeds the Park Branch Canal, and if it's allowed

to become plugged with sediment that channel will fail to function and—here we go again—I'm told that channel is a critical spawning habitat channel.

Bob Wiltshire: On that particular channel, Jerry—I've said it before and I'll say it many times—I think dredging is totally appropriate to keep the Park Branch Canal open. As I recall, and you certainly know this way better than I do, at times the issue has not been the dredging but the disposal of the dredged material.

Jerry O'Hair: Well, I guess that's part of it and the other part is, I guess, water quality. Anytime you get into a channel with a dozer or excavation equipment you've got a water quality problem. Maybe AI can address that better than I can.

Allan Steinle: Well actually DEQ looks at water quality. We work with DEQ jointly in a situation like Jerry's and as long as DEQ is addressing it, we don't really deal with it. It's more in their line of responsibility. What we would focus on is, like you said, the disposal site, especially if there's disposal back in below or near high water. We would be concerned about that. I think there's also some concern out there about disposal within the flood plain, and elevating the flood plain, and what affect that might have on the neighbors. So I guess each activity location has its own unique set of things that have to be considered.

John Bailey: Other comments Bob?

Bob Wiltshire: I'd certainly let somebody else comment for a few minutes while I digest that. I don't think I have a real problem with what Jerry's intent is. What I am concerned about is that I do not approve or want to see us make a recommendation that somebody interprets as carte blanche. You know, anytime I feel like I want to go out and dam a canal; we've all seen it in the past, and we know that some rules are helpful and some rules are onerous but necessary. I don't want to see it just turned into something where anybody that wants to can just take their CAT out into the river when they say it's necessary.

John Bailey: It seems to me that it's maintaining what exists.

Bob Wiltshire: And if we want to add that kind of language, I don't have a problem; but I seem to get the impression from Jerry that he is looking to change or modify what currently exists.

Jerry O'Hair: Well irrigators in the past have come under some strange scrutiny and one of the things that I see as a problem is that the material that is removed or disturbed becomes—I don't know how to say this, really—a foreign material, when actually, it's what the river deposited there. The DEQ and some regulatory agencies look at it as being some foreign material, such as something that you might pick out of a hill in a mining project and deposit in the river. This is material that has been deposited by the river and it's not changed. That's become a point of contention between irrigators and regulatory agencies—that sedimentation is almost treated like a foreign material.

Bob Wiltshire: So Jerry, I interpret that to mean that you are not satisfied with the current regulatory climate and you would like our recommendation to somehow make it easier for irrigators to deal with this problem.

Jerry O'Hair: I think that's true because there ought to be some sort of criteria. Because when irrigators have to do this it's usually on short notice, and if we have to go through a full-blown regulatory process, by the time we get it done it's too late, and it's become a very difficult problem to deal with.

John Bailey: Other comments? Anyone?

Bill Moser: What about bridges, abutments, and so forth? Where do you—obviously getting so much borrowed pile in there is becoming a hazard or will become a hazard in the next year. Are you limiting it strictly to agricultural type applications?

John Bailey: This recommendation, at the moment is just this. Other comments?

Mike Merigliano: Maybe it will simplify things or maybe it will make it a lot more complicated, but this seems a lot like the large woody debris issue. As far as how much, when you can do it, how unplugging (side channels) to the river is similar to unplugging tree roots from the river. I wonder if you could somehow combine those two.

Allan Steinle: I guess, just so that people are aware, some of the things we've asked the irrigators to do in that Park Branch Canal situation is to monitor the silt elevation in that channel so that it doesn't have to be a last minute decision to do some dredging; so that we can plan for it and do it at a time of year when it's more accessible and will have minimal impact on fisheries resources. We've also asked them to consider alternative disposal locations—some upland sites and also on the river side of the island—so that it could become part of the middle of the main channel, rather than create a steep and deep channel over on the land side of the island.

John Bailey: Other comments? Ready to go to Step 2? You ready, Bob?

Bob Wiltshire: The only thing I would say is that I'm not going to be able to support a recommendation that loosens existing permitting requirements without having a better definition of exactly what we're asking the regulators to do. That's the difference I see between this one and the last one. The last one says that we want to continue the policies, and what Jerry's asking for here is a recommendation that relaxes the existing policies. At least that is what I believe is Jerry's intent. I would certainly support it if we changed "allow" to "continue."

Jerry O'Hair: Clarify that.

Bob Wiltshire: The first word is "allow." If we struck the word "allow" and substituted "continue" that would alleviate a lot of my concerns, because that implies that we will continue within the existing procedures.

Jerry O'Hair: I am fine with that.

John Bailey: Other comments? Are we ready to go to Step 2? Okay, Step 2. The proposed recommendation reads, "Continue necessary dredging of sedimentation to maintain irrigation structures and canals."

Task Force, any further concerns or questions? Not hearing any, are we okay with this recommendation? This recommendation reaches consensus.

Recommendation Passed by consensus

"Continue necessary dredging of sedimentation to maintain irrigation structures and canals."

Anything further on sedimentation and dredging?

Andy Dana: I've got a proposal:

#4. Proposed recommendation by Andy Dana:

"To mitigate negative impacts of sedimentation and gravel deposition, all new and refurbished bridges should be designed to allow free movement of river gravels under the bridge structure."

John Bailey: Comments? Anyone?

Jim Robinson: I just think it's interesting that you should bring it up because the MDT is undergoing a process now to replace the bridge at the east end of town. As far as what I've heard, they haven't involved the railroad in those sessions. When you replace a bridge it helps to look at the old one right next door.

John Bailey: And you're commenting while there's another bridge they shouldn't fix theirs?

Jim Robinson: No, I'm not saying that, John. I think that this is good, because the Task Force can be in support of having the MDT design the bridge this way, and I'm hoping the information will get back to the owners of the railroad and they'll follow suit.

Allan Steinle: I think that's an important point, and we've heard that more than once, that if there's a highway bridge and a railway bridge next to each other, there's no need to design the highway bridge with any more capacity than the railroad bridge.

Chuck Parrett: I have a comment and then I'll let Stan take over. I see a problem in the way the recommendation is worded. By their nature a bridge opening is sort of a sluice for sediment through the opening. Usually the problem with the bridge is the contraction that occurs upstream from the bridge. And so, wording that requires that the design of a bridge be required "to allow free movement of river gravel under the bridge" really doesn't mean anything, because all bridges freely do move the gravel under and through the opening. Somehow we have to wordsmith that "to require design agencies, through the design process, to make sure that undue sedimentation problems aren't created upstream," or something to that effect.

Andy Dana: Strike, "under the bridge structure."

John Bailey: Does that satisfy you?

Stan Sternberg: I'm not a bridge engineer, but the designers of the bridges and the hydrologists try to take a look at what is currently there, not necessarily the existing bridge opening. I'm thinking of northeast of Livingston here where you've got a railroad bridge and maybe other structures that need to be protected and maintained; and the highway. I'm sure that in our design we're looking at sediment and the capacity of the bridge opening to maintain a certain amount of flow for the sediment that would go through it. I'm not sure if this is a problem to us. I'm not sure what else I have right now. Allan do you have any comments on how bridge engineers could design a structure to allow flow of water?

Allan Steinle: Not on design, but I think the comment Chuck Parrett made a few minutes ago still applies to this recommendation. The situation that we see develop is aggravation upstream of the bridge, because the opening restricts high flows. Sediment drops out upstream of the bridge, which in some cases, leads to bank destabilization so we see an increased need for riprap. I think that's the problem that you're trying to address, Andy.

Andy Dana: I guess I would refer people back to the first clause; the whole purpose of this recommendation is to mitigate negative impacts of sedimentation and gravel depositions. So, to design for the free movement of gravel should be tied to the mitigation of those negative impacts.

Chuck Parrett: Again, I think there's a problem, at least from a hydraulic engineer's standpoint with the wording "to allow free movement of river gravel." In an engineering context, I don't really know what that means. I would suggest something like "should be designed to consider sediment movement as well as hydraulics." Some kind of wording like that. You know, hydraulic considerations are a big part of bridge design. They want to make sure the bridge is hydraulically efficient and that it will pass the water without unduly backing up. I realize I'm getting technical, but unless we get really technical I don't think this is going to mean anything to a bridge engineer.

Andy Dana: I'm not sure that I care too much about the bridge engineers. I care about the policies, and I'm not sure that I want to word this to meet the criteria of a bridge engineer as long as the policy is clear. So, I guess I would consider, "to mitigate upstream negative impacts." I would add that, and then go down to, "designed to ensure unrestricted passage of river gravel." I don't know if that makes any difference. Bob suggests change "free" to "unhindered." I guess I'm not inclined to get into technical drafting for a hydrologist.

Chuck Parrett: Andy, I agree, but let me take just one more shot and then I'll shut up. Why don't we just say "that all new and refurbished bridges should be designed to mitigate upstream negative impacts of sedimentation and gravel deposition." Seems to me that's a much simpler way of stating the same thing.

Andy Dana: I don't know. I sort of like the idea of forcing the attention to making sure that the river gravel moves and doesn't deposit above the bridges.

Chuck Parrett: But again, from a technical standpoint that may be restrictive. Don't tie their hands too tightly, that's all I'm suggesting. I mean, if you just say that they have to design the bridges in order to mitigate upstream negative impacts of sedimentation, I think that covers it without unduly tying their hands.

Andy Dana: I'll agree with that, so copy that first cut and change that first clause... "all new and..."

Stan Sternberg: I think this would be palatable if it's a single, stand-alone bridge, but northeast of Livingston here, with the railroad structure that's more of a constrictive structure. If you took that at face value and you designed it with a certain opening to mitigate upstream impact, and you didn't do anything with the railroad bridge, then you might end up wiping out the railroad bridge.

John Bailey: That gives them incentive doesn't it.

Stan Sternberg: Then they might have to fix that bridge, too.

Bill Moser: I don't know if anyone is paying attention to the Emigrant Bridge this particular year or not, but there's a huge bar that's developing downstream that is going to split the channel substantially. So I'm not sure that "upstream" is the only place you're interested in.

Andy Dana: My guess is that's developing because the velocities are forcing the gravel through and it drops velocity when it spreads out there, so if you design for upstream mitigation you probably solve the downstream problem too. But I think we can take out "upstream." That's fine.

Michelle Goodwine: Actually I was thinking of adding "downstream."

Andy Dana: Okay. Let's add that. How about "under the bridge?"

John Bailey: Other comments? I can't remember if this subject was brought up by the Task Force or an individual who told me, but some years ago, when the Task Force was meeting, they were talking about a bridge being replaced on the Bitterroot. It was proposed to be made wider and then the people downstream were upset. My understanding was that they thought that all the gravel that was piled upstream was going to come down and get them or something; I don't know? It was a big controversy over there, but I think that this recommendation coming from us is an indication that the status quo on some of these old bridges is not correct. Some of those issues may cause people downstream to get flooded, because opening up may raise the water level below the bridge as they equalize. I think that one finally did get wider. I'm not sure what happened? Allan, do you know?

Allan Steinle: I think so. I believe you're referring to the Victor Bridge that was replaced a few years ago. It was taken out in a flood and there was considerable discussion between the agencies on how long the new bridge should be. The reason the project was delayed was because we were wrangling over that issue. I don't think there was any concern from the downstream people. The people of Victor were getting mad because they weren't getting their crossing back as soon as they'd have liked, while we came to an agreement on how long the bridge should be.

John Bailey: So this recommendation might help agencies come to an agreement. Other comments.

Chuck Parrett: Just one other thing I'd like to add. It seems that bridges take a lot of heat, maybe sometimes properly so, because they do act as a flow constrictor and that tends to cause immediate problems upstream, through the bridge opening and immediately downstream. One of the things that

Steve Holnbeck did with the Sediment Transport Model was to look at the effects at both Pine Creek Bridge and Carter Bridge. I guess it will come as no great surprise to people here who know the river perhaps way better than I do, but the Carter Bridge is a significant contraction to the flow. It does restrict flow and causes sediment deposition upstream. It causes scouring through the bridge opening and it causes deposition further downstream, where that material gets scoured out and deposited. But the good news is that even with the Carter Bridge those effects don't go very far upstream nor do they go very far downstream. In the case of the Pine Creek Bridge, interestingly enough, the Pine Creek Bridge doesn't really cause any effect at all. The real constriction of the flow occurs at a natural constriction just upstream. Some bridges are real problems and other bridges aren't. I think that points out that each one really needs to be looked at in detail and designed in detail to prevent those future problems.

John Bailey: Other comments?

Bob Wiltshire: My only comment, I never hesitate to beat up on DOT, I have no problem with this. I would not oppose this, but I'd love to see us change that "should" to "must."

John Bailey: Other comments? Are we ready to go to Step 2? Okay, the proposed recommendation reads, "All new and refurbished bridges should be designed to mitigate upstream and downstream negative impacts of sedimentation and gravel deposition." Task Force, are there any further concerns or questions? Hearing none, are we in agreement? I see no negatives. This recommendation reaches consensus.

Recommendation Passed by consensus

"All new and refurbished bridges should be designed to mitigate upstream and downstream negative impacts of sedimentation and gravel deposition."

Anything further on Sedimentation and Dredging?

Andy Dana: I don't have a recommendation. I do have a comment that this topic arose, I think, in large measure because of the bank at Mallard's Rest, the Weeping Wall, the Jumping Rainbow bank. Frankly, given the hydraulic study in particular, hearing those presentations, I don't know what the heck's going on there. I don't know that I could come up with a recommendation for that. I don't know if anybody else has thought about that issue.

John Bailey: I would agree with you.

Jerry O'Hair: I've given it considerable thought and I've visited with my neighbor across the river. I really feel that if we want to get control of sedimentation, those banks, that bank over there on the Lakovich property, and the Weeping Wall, and Mallard's Rest are causing some real problems to landowners, to the river; and I would really like to see some sort of a study be made and see if there isn't something that could be done to control that excessive sloughing of those walls.

John Bailey: Was that a recommendation?

Jerry O'Hair: Yeah, I'll make that a recommendation:

#5. Proposed recommendation by Jerry O'Hair:

"That a study be conducted to ascertain a solution to the extreme sloughing of riverbanks at Deep Creek, the Weeping Wall, and Mallard's Rest."

John Bailey: Comments? Task Force first, please.

Bob Wiltshire: I guess my initial concern is that this implies that the Task Force says that those are a problem. I would want to go back and look at the science studies and maybe talk to some of the researchers to really reassure myself that the science says that those are a problem before I could approve of this.

John Bailey: Other comments from the Task Force?

Allan Steinle: My comments are probably along those same lines, Bob. Maybe that we need to make this a two-part recommendation, first determine that there is a cause for concern through additional study and then, if you answer that in the affirmative, go on to what Jerry recommended.

John Bailey: Other comments from Task Force? Others?

Mike Merigliano: Just a minor comment to Jerry about changing “ascertain” to “find”. That’s just an easier word.

Jerry O’Hair: I would like to see a study conducted and, in my way of thinking, it is a problem. It’s certainly a problem on my property and there’s two of them that are—Deep Creek and the Weeping Wall. Both are extreme problems and are causing considerable difficulty to my ranching property.

John Bailey: Other comments?

Bob Wiltshire: Jerry, as I recall you had a couple of conversations, with I think it was Chuck Dalby, about this. Where you indicated that the amount of material that’s sloughed off those walls you thought was fairly insignificant when you looked at what you dredged out of the river when you did your project. Am I remembering that wrong?

Jerry O’Hair: Well, I think that you kind of got it right, but I thought that maybe their measurements were a little short, that there was more material coming off that wall than their actual measurements quoted.

Jim Robinson: As I recall, Chuck calculated somewhere around 400,000 cubic yards coming off the Weeping Wall. Jerry found it difficult to believe that, considering that he dredged 800,000 cubic yards off that bar across the river. I agree, we need to look at this in more detail, using the information that Steve Holnbeck generated with his sediment transport modeling; the work that Chuck’s done trying to estimate the amount of material that’s coming off the walls; reconcile all of this stuff and make a clearer story out of it.

John Bailey: Other comments? Jerry, as this is written now, I would oppose it. When I watched the floods in 1996 and 1997, I could have easily have accepted a recommendation like this. Seeing the cottonwood study at Mallard’s was the most startling thing to me because those old cottonwoods were clear out on that peninsula. I saw in two years that bank go a long way, but when I saw the cottonwood study report that in 250 years it hasn’t moved very far in the grand scheme. If you look at Mallards today, it has really sloped and it’s not cutting much. It’s sort of interesting. Now, when you go to the other two areas, if you use Chuck Dalby’s study—I was just as startled as you—what he thought came off that bank, because I thought it was much more. But he was implying that there is more sediment coming from the bottom of the river and other banks, than the sediment that’s coming from those big ones. So I think this study is too restrictive, too narrow, and it won’t give us any solutions or really any understanding. That would be my concern. After 1997 I would have agreed on this, but the science—to believe what we saw there—I think that if we tried to do something there, we would be creating more problems. I think it’s too narrow. I’m sorry.

Jerry O’Hair: In my way of thinking, there’s not much change in the river above Mallard’s Rest; so where is this crap all coming from? I figured it’s moving off of those high bank areas, and you can stand there daily and watch it slide off into the river. So, in my particular situation, until those walls stop eroding I’m going to be continually trying to prevent the river from moving in my direction, because that’s where the gravel is depositing—on the east side of the river. That gravel is going to continue to deposit there and move downstream.

John Bailey: I’m not arguing with you, but I think if we solve the Weeping Wall and the Deep Creek, I think your problems continue. I think the evidence that Chuck Dalby has is that so much is coming off the smaller walls and the river bottom that your problem doesn’t go away.

Andy Dana: I guess this is why I wondered if I should have even brought it up, because I don't know what's going on; and I think that maybe Jim's suggestion gets us there—that we need a better picture of what the banks are doing. So maybe if we say, “conduct a study to ascertain the river dynamics related to the sloughing of riverbanks at Deep Creek and the Weeping Wall...” something like that. Would that be okay with you?

John Bailey: Yeah. I think we need to know more. I was as startled as Jerry because I thought that everything that deposited across from him came from the Weeping Wall and Deep Creek. I still question Chuck's study but that's why I think the “overall” needs to be looked at, not just the wall. There's a lot of sediment coming from someplace, no question.

Jerry O'Hair: Yes.

Andy Dana: Strike “ascertain” and add, “...to understand the river dynamics and hydrology.” Strike “a solution to the extreme” and substitute “related to sloughing of the riverbanks at Deep Creek and the Weeping Wall.” And John, do you want to get rid of Mallard's Rest? My sense is that Mallard's Rest is important because when it starts to lose gravel that enters the system and that just adds to the domino effect downstream.

John Bailey: I don't have a problem with that, but the other one was that we have to find a way to stop those banks from eroding, and that solves the problem. I don't believe it solves the problem. It may even cause more problems. We may need some of that sediment from those walls; I don't know?

Andy Dana: One thing that this lacks, Jerry, and I'd like to see it in there if the Task Force would go to it, would be adding something like “recommendations be developed to address problems if discovered.” Maybe that's going too far out.

John Bailey: Allan, does the Corps have a mandate to allow, I mean, to stop those big walls from putting anything in the river?

Allan Steinle: A mandate to stop it? No, nor to allow it.

John Bailey: But if someone came in with a proposal that wanted to stop it because it's a big hazard, are you going to allow that? It would really take something to stop the Weeping Wall.

Allan Steinle: I can't answer that John; obviously I can't answer that here with a yes or a no. I would say, “Be prepared for a long process.”

John Bailey: To me, the Weeping Wall—when you float under it, gravel's sticking out over your boat—boy, I don't know when that stops. We'd have to move the river back, or I don't know? That one's mind boggling to me; unless of course we go down. I thought it might cut that end off of the Weeping Wall and just go across that other flood plain. But it didn't do that. Comments?

Chuck Parrett: Maybe just a little suggested wordsmithing here? I don't think it's so much a river dynamics and hydrology problem. It's more a river and soil problem. It's a mass-wasting problem. We need to understand how much and why all that stuff dumps into the river. Once it gets into the river, I think our river mechanics understanding is capable of figuring out what happens to it. It's more a soil dynamics question than a river dynamics question.

Andy Dana: Well, I'm personally interested in what happens to it once it gets in there, too.

Chuck Parrett: Okay, could you just change it to river and soil dynamics and take out the word: hydrology?

Jerry O'Hair: Well, there's been some objection raised to doing anything with the sloughing of the wall and I guess it all depends. As an irrigator, people raise hell because of the pile of river gravel that was deposited in the flood plain, and yet, here it is—lopping off the wall—and, no problem. There again

comes water quality and all the rest, and because it fell off of there by itself it's not a problem. It's a double standard.

John Bailey: Comments? Are we ready for Step 2? I see approving nods. The proposed recommendation reads, "That a study be conducted to understand the river dynamics and hydrology related to sloughing of riverbanks at Deep Creek, the Weeping Wall, and Mallard's Rest." Task Force, any further concerns or questions? Hearing none are we okay with this? The recommendation reaches consensus.

Recommendation Passed by consensus

"That a study be conducted to understand the river dynamics and hydrology related to sloughing of riverbanks at Deep Creek, the Weeping Wall, and Mallard's Rest."

Anything else on Sedimentation and Dredging? Hearing none we'll move to Fisheries. Bob, you must have some on fisheries.

Bob Wiltshire: I've already given a couple.

John Bailey: Are we done with Fisheries?

Bob Wiltshire: I don't have any recommendations to offer this evening.

John Bailey: Any other recommendations related to Fisheries?

Bob Wiltshire: My only recommendation would be that the Task Force recommend to my wife and my employer that I be given more time to conduct personal study.

John Bailey: Comments on Fisheries? What did we pass? I can't remember. We've had so many meetings on Fisheries. Okay, there were two there. One of the things that the USGS-BRD, when they were mapping all the woody debris, they sort of indicated that it is beneficial to juveniles. You didn't bring in woody debris in your recommendation, Bob, did you?

Recommendation 7/08/03—Passed by Consensus

"That further investigations into the production and rearing of juvenile fish be conducted; particularly to determine the relative importance of lateral side channels, mainstem habitats, overflow habitats, and spring creeks."

Bob Wiltshire: If you look at the recommendation, it's to determine the relative importance of lateral side channels, main stem habitats...

John Bailey: Okay, fine. I wasn't sure if we covered that. Other comments on Fisheries? Do we want to move on? We can always move on and bring it up at a future meeting. Okay. Fires/Floods/Droughts.

Bob Wiltshire: I'd like to recommend that it rains on a regular basis all summer. Anyone disagree? I guess as a comment, although some of these things can be exacerbated by human policies, I think they're mostly acts of God and I don't know that we can make much of a recommendation. Particularly about floods and drought, and fire policy changes every season, anyway.

John Bailey: Jerry, you had a comment, especially in the valley and your concern was sediment—I think you said that most of it was going to end up in the canal, not in the river. But you were concerned and I know the Forest Service has done some stuff and I'm curious as to your reaction now that some time has passed on that sediment issue. I think most people think there will be more fires. Do we need to recommend some mitigation if there are fires that are substantive? I'm just asking your opinion.

Jerry O'Hair: Yeah, I think we do. Most of the sedimentation I'm getting is minimal right now. If we were to have a large rain and it would magnify the problem considerably. Some place in the recommendations I would like to put forth the idea that we support some kind of a forest management policy that addresses what took place in Yellowstone Park in 1988 and in the valley last year.

John Bailey: Prescribed burns?

Jerry O'Hair: I think that's a hell of a waste.

John Bailey: That's what some people suggest.

Jerry O'Hair: Yeah, well I think some sort of a timber management program. The present administration has started a program where they're going to try to mitigate some of these areas that are prime to burn. As I sit at my kitchen window and look out at a forest that is over 100 years old, right now it's ready; it's ready to go. I would certainly support some type of a program that would mitigate some of these forest fires that are happening.

John Bailey: Other comments? Fires, Floods or Drought?

Roy Aserlind: I would have a question that I would direct to Joel Tohtz if he were here. I noticed in the paper today that three major streams in Yellowstone Park were shut down today due to drought, and I would ask Joel if he could conceive of a point at which the Yellowstone should be considered for fishing restrictions, just due to low water flow relate to drought.

John Bailey: You didn't read the *Billings Gazette* today. It sort of implied that Fish Wildlife and Parks were considering that the Yellowstone, Madison, and most of Montana ought to be shut down.

Roy Aserlind: And this would apply to fishing in the Yellowstone River, too, then? Anyway that was my question. I don't know if that's something the Task Force should consider, just as a future possibility. If we should be proactive and lie in wait for it, or just wait until it happens.

Bob Wiltshire: I guess I'll take a little bit of a stab at that. My understanding is that FWP currently has a matrix—sets of criteria by which they determine when there's a biological threat to the fish population. I don't recall that we had closures last summer, but over the last couple of years we've had voluntary closures, which in my personal opinion have been a dismal failure on the Yellowstone River. But, FWP has closed waters and they do have certain drought plans in place that say that when you hit certain water temperatures for a certain period of time, combined with certain flow levels, you shut down the rivers.

Laurence Siroky: I'll just add to that on the Jefferson River, some of my staff are working with a watershed group there—they're irrigators and wildlife folks and fishermen. They've been working on it for five or six years now. They've got a drought plan and their threshold on the Jefferson is about 400 cubic feet per second (cfs) at Twin Bridges, and when it gets down to levels that translates to about 120 cfs in all irrigation diversions. So, when it hits that threshold, then they initiate voluntary restrictions on fishing and also cooperation among irrigators to reduce divergence as well. That's something they've gotten together on and they're agreed. They meet once a week about what they're going to divert and what they want to leave in the river, and it's working pretty well. I mean, there are still impacts to the Jefferson River but it could have been a lot worse in the last few years that we've had. It's just something to think about—what a group can do. In this case the 422 relates to temperature as well as flow. Right now I think the water temperature is around 73 degrees, so that starts to get critical.

Roy Aserlind: Then I assume that such plans are in place for the Yellowstone River, the focus of our study? If not, would it behoove the Task Force to recommend that such plans be drawn up according to the matrix that Bob has specified? Now today, I believe that the river was at 72 degrees, which is frightfully warm.

Laurence Siroky: I guess to answer your question, Roy, I don't know of a group like that on the upper Yellowstone. Maybe somebody else might know?

John Bailey: Bob, do you know how warm the lower Madison was today? Would you care to take a stab?

Bob Wiltshire: I wouldn't be surprised that it was 76 or 78 degrees.

John Bailey: Correct. So, if you want to make a recommendation I'd advise that it apply equally to all streams. Last time they did this they closed all streams the same day. I had some question with that because I know the lower Madison, and if they used the criteria they used for the Yellowstone on the lower Madison they should have closed it six weeks prior to the time they did.

Bob Wiltshire: I think there are some flaws in their matrix and that's what is being exposed here. As I recall the matrix uses not just a direct temperature measurement, but it also uses a flow measurement, and so you need to be within a certain band of historical flow range. And I believe it's 90 percent or 10 percent, depending on how you want to look at it. Well, on that particular stretch because it is dam controlled you don't hit those types of flow targets. I'm not here to sell this by any means, because I have real problems with some of their plan. My bigger concern—and here I might differ from John in some respects, although I shouldn't prejudge what John thinks—I'm much more concerned with when they start closing the Madison River and the Jefferson River and the Bighole and not the Yellowstone, because then everybody flocks to the Yellowstone because it's the only place you can take your clients. That's what happened a couple of years ago.

Roy Aserlind: Well, I shall try to write up a recommendation pursuant to what we've been talking about for the next meeting.

John Bailey: The thing that I think is sad for the public is that the public has no idea what the FWP criteria is and therefore, no one can plan. The Forest Service, with the last set of fires they were coming around and saying, "We believe in three days we're going to have to go to this level." Visualize: one morning they sent out an email, there was no warning. At least today there was something in the paper so it puts people in the know, but we don't know the criteria. And the other thing was that the public has access to the USGS gauging stations that have temperature on the Yellowstone, but the local biologist doesn't agree with those and has his own, but no one has access to them.

Roy Aserlind: Well, let me take a stab at a recommendation for the next meeting and that will essentially be that criteria, that a plan be developed by the proper authorities.

John Bailey: Anything else? Fires, Floods and Drought? Everyone wants to go home early tonight.

Andy Dana: Can I go back to Uses of the River, Location of Uses, and Overuse of the River? I went back and read some of the comments of the Socio-Economic Study and it confirmed my suspicions earlier that this wasn't really within our purview and we did talk about that last November and thought it was. I don't know what the solution is, but there seemed to be consensus among locals that there is emerging an overuse problem on the Yellowstone River. Ed Harvey's study particularly looked at whether there was an economic impact associated with overuse and he did not find one. But he could not say that there was a social impact with overuse, and so I'm just wondering whether we want to recommend to the Department of Fish, Wildlife and Parks or some other agency that they begin to address the social carrying capacity of competing uses of the Yellowstone River, with the idea of developing a plan for management of that use. That is, impacts on public enjoyment, private landowner's rights along the river; potentially it has impacts on fisheries and wildlife and it may be time to address this issue head-on, rather than bury our business. I don't know what other people think about that.

Roy Aserlind: I can speak to that one too. In an earlier season, not in the last couple of days, one day, after a particularly hot three-day weekend, my wife and I went down on our property, and she carried a black plastic bag and I carried a clipboard and a yellow sheet of paper. I recorded everything that we picked up and it's staggering. If I can find that list I'll share it with you next time. During this current hot

spell only twice have I had to go out at about one o'clock in the morning and shout, "Please hold it down, we're trying to sleep over here." Yes, our property is overused, but I have stated before, and I know it sounds corny, but I enjoy the river so much... we've enjoyed it and have no problem sharing it. We've never restricted anyone from coming on it. I could bring this up as a topic next time too, with chapter and verse.

John Bailey: What were you thinking, Andy?

Andy Dana: Well, to encourage FWP to initiate social carrying capacity studies on the Yellowstone, to define the conflicts and develop a management plan if necessary. It would read:

#6. Proposed recommendation by Andy Dana:

"Encourage the Department of Fish, Wildlife and Parks to study the social carrying capacity of the Yellowstone River; to quantify the current conflicts and potential future conflicts among recreational users and property owners, and impacts to fish and wildlife; and to develop a management plan if necessary."

Roy Aserlind: I think I can unequivocally state that we have the most urine-enriched back yard in the state of Montana.

John Bailey: Other comments?

Bob Wiltshire: My uncertainty here is, with the recent completion of the River Recreation Advisory Council, I'm not clear exactly how FWP could implement that. This could be redundant in that they are already doing it, but what I would ask is that you would add, "immediately."

Ken Britton: Andy, we may also consider including other managing or public agencies. We've been trying to think of a mechanism to pull together the Park Service, the BLM and the FWP to do this very thing for the Gardiner area. So, if there's a way to add "pulling together the other agencies" somehow, that would be of great benefit to us.

Andy Dana: After Dept of FWP add, "and other federal and state agencies." John, you're looking skeptical. Since you're a business owner with a recreational bent here.

John Bailey: Well, what has happened in Montana is that we have the Smith River, where they've limited everyone, and they gave out a few permits to outfitters that are now worth \$225,000. So we're now talking about giving a wonderful subsidy, a value that I don't believe that I should own. I believe that it's a public endowment. It's a great subsidy that you're saying here. The Big Hole, we haven't restricted residents, but we have restricted non-residents, and Montana is getting a notion of "unfriendly to non-residents." You can't fish it on weekends if you're not a resident. We have a mish-mash, and the last group I want studying this is Fish Wildlife and Parks. If you want that, that's fine. I know where it's going to go, and I want to get subsidy. The only thing they really can restrict are guides, and they're going to limit that, and it will be like a liquor license deal; just get a wonderful inflow.

Andy Dana: This proposal doesn't say restrict anywhere.

John Bailey: That's why you're looking. It says there are conflicts, which implies there must be resolution.

Andy Dana: Do you believe there are not conflicts?

John Bailey: There are conflicts between everybody that walks up and down the street on every issue. It's the American way.

Andy Dana: Do you think they should be managed?

John Bailey: No, but I think with what goes on in Montana that we will end up with restrictions and it will be restrictions on the outfitters and the guides. That's the only thing the government can easily restrict and there's a lot of public pressure to do that. So, I think this recommendation moves that.

Andy Dana: Do you want to insert something at the end, which indicates that there should not necessarily be restrictions; there could be incentives, or programs that encourage user groups to manage their conflicts among themselves?

John Bailey: Why not the University do the study versus FWP? I think FWP is very narrow in their view.

Andy Dana: I'm trying to get to your concern about agency needs to manage this. Would you support or be interested in a university study?

Ken Britton: Yeah, I just think a carrying capacity study is something that will help people 50 years from now. If we want a quality recreational experience we should be looking ahead, and it may be that permits are the way to go. It's the only thing we've thought of to date—limiting numbers—but it does raise a tremendous artificial value for those few permits. But what is another way to do it? Maybe the university folks could come up with something. I would sure support that.

Bob Wiltshire: I guess the only thing that I would add is that at this point in time we are by no means unique and we are by no means leading the charge. Virtually every popular fishing river in the state has got a growing segment of local residents complaining about overuse on that water. The Fish, Wildlife and Parks is taking this very seriously, for what it's worth. They've convened this River Recreation Advisory Council system about 40 members, each representing their constituents, much like this Task Force. They've completed their work and what I have heard is that their final report was presented to the FWP at their recent meeting; at which point they realized that they have no statutory authority to go along with much of what they decided needed to be done. But, my sense from talking to people who sat on that committee is that FWP has made the determination that, at some point in the future, virtually all waters in Montana will be regulated in terms of pressure numbers to some extent, commercial and private.

Andy Dana: Perhaps to address your concerns, John, I will modify this to say, "fund an immediate study of the social carrying capacity of the Yellowstone River to be conducted by researchers within the state university system, with the cooperation of the Department of Fish, Wildlife and Parks and other state and federal agencies..." and then leave the rest.

John Bailey: Department of Commerce is the one that regulates outfitters and guides, not the Department of Fish, Wildlife and Parks.

Andy Dana: Fish, Wildlife and Parks, though, will and can weigh in on recreational of their fishing access sites, regulation of some boaters, licensing of outfitters. They also have responsibility for fish and wildlife impacts, so I think that they're crucial, and this does include other state and federal agencies.

John Bailey: They don't license outfitters. They used to but it was moved into Commerce. That's the reason I brought up Commerce.

Andy Dana: I'm concerned as much about impacts on fish and wildlife as I am on users.

John Bailey: Comments?

Roy Aserlind: And we know, in the absence of anything like this, that's being recommended now, it's only going to get worse. There's no opening in the future, it is going to get worse.

John Bailey: Are you indicating we should go backwards? Go back ten years? I'm just trying to find out your level that you can stand.

Roy Aserlind: Well, when it gets worse we'll know it. It's a growing pressure on a fairly stable, restricted resource and as other places are becoming more and more restricted, more and more are going to come

here. I think all along in many aspects of civilization restrictions are going to happen. We as a country are looking right down the barrel at 300 million people, very shortly, too. I can go back to an earlier comment: we have the possibility of creating a Type 1 error or a Type 2 error. Type 1 is doing something when it didn't have to be done; Type 2 is doing nothing when it should have been done.

John Bailey: Comments? Jim.

Jim Barrett: It might not be a surprise, but I kind of have an issue with a part of this that's, frankly, hypocrisy. I have a hard time trying to understand how you can reconcile putting restrictions on the activities of citizens as long as they're not private property owners. It looks like there's a recommendation here to develop a management plan of activities on the Yellowstone that certainly are getting very crowded. There are all kinds of things happening. Somebody told me the other day that one of the rafters companies in Gardiner, for the first time in almost three decades had 200 people in one day. That's just one of the raft companies, so clearly there's an issue; but, as I mentioned in my—you know we had a public hearing—we talked about, I talked about, what is the vision for the Yellowstone River? What does it look like? What does the corridor look like? What do the banks look like? What is it going to look like in 20 years? Is it just going to be everybody that has private property gets to do whatever they want, but property owners don't want to see a bunch of people rafting on the river, or pissing on our front lawns. So this, to me is obscene to even suggest this, and if it gets by Jerry I'll be really surprised.

John Bailey: Comments?

Andy Dana: I'm not wedded to "developing a management plan," if necessary we can get rid of that. I want to know what the carrying capacity is and what social values people place on it. Ed Harvey looked at the economic impact of use and overuse on the river. I'd like to know what the social impacts are. I don't think that's asking too much.

John Bailey: Comments?

Jerry O'Hair: I'm not sure where this really ties into what we're supposed to be doing. I think that we're getting into management of the Yellowstone River with regard to recreation uses and I'm not sure that's what our charge is.

Andy Dana: I guess I wouldn't fight you too hard on that, so if you wanted to block it for that reason I would sympathize; but I do look at that last line of the first paragraph [of the Task Force Purpose] up there about "develop a shared understanding about the issues and competing values and uses that impact the upper Yellowstone River," and this is one, I think. I'm happy to strike the last clause there, "and to develop a management plan if necessary." Jim I think your concern is that you're reading into this that this is to modify conflicts between recreational users and property owners. I'm not so much concerned about that as I am the conflicts among different recreational groups: fisherman versus boaters versus birdwatchers versus everyone. Property owners are added in there because they do have impacts from people trespassing and walking on their lawns. They suffer particular impacts, but I'm not setting this up to be a recreational user versus property owner issue, or at least that's certainly not the intent.

John Bailey: The economic study shows that agriculture is waning. I was shocked how low it was and I think Jerry implied it's worse today than it was with the data in 1997. The economics have moved into recreation. If we're going to restrict that, have we restricted the economics of the area? That's where the economics are right now, so we're looking at a recommendation to limit one of the areas we have economic strength.

Andy Dana: There's nothing in there that says limit, John. You maybe assuming that, but this is to conduct a scientific study; the other half of Ed Harvey's study. He did an economic analysis. This is to do a social analysis.

John Bailey: Comments?

Jerry O’Hair: I certainly think it’s got some merit and I think that, using the river more and more, we need to find some way to provide restrooms and places for people to do what they have to do. So I think it’s a study that needs some consideration.

Roy Aserlind: I can reiterate what Andy said. In this I do not read the word limit, nor do I read the word restrict. This is a study, probably something we’d like to know.

John Bailey: Other comments? Want to go to Step 2 on this? Okay. The chair will read the proposed recommendation, “Fund an immediate study of the social carrying capacity of the Yellowstone River, to be conducted by researchers within the state university system, with the cooperation of the Department of Fish, Wildlife and Parks and other state and federal agencies; to quantify the current conflicts and potential future conflicts among recreational users and property owners, and impacts to fish and wildlife.” Task Force, any further concerns or questions? Are we comfortable on this? This recommendation reaches consensus.

Recommendation Passed by Consensus

“Fund an immediate study of the social carrying capacity of the Yellowstone River, to be conducted by researchers within the state university system with the cooperation of the Department of Fish, Wildlife and Parks and other state and federal agencies; to quantify the current conflicts and potential future conflicts among recreational users and property owners, and impacts to fish and wildlife.”

Any further comments tonight? It’s five minutes to ten. Do we need to bring up any of these on the agenda again? Okay, we’ll move on and we’ll get an agenda out with the topics for our next meeting. We are adjourned.

Note: See *Attachment B* for summary of recommendations that have reached consensus.

VI. Next Task Force meetings:

July 29th, 2003, Tuesday – Task Force Recommendation Deliberations
Location: Yellowstone Inn

August 5th, 2003, Tuesday – Task Force Recommendation Deliberations
Location: Yellowstone Inn

VII. The meeting was adjourned at 10:00 p.m.

Attachment A. Steps for Formal Action on Task Force Recommendations

On April 29, 2003, the Governor's Upper Yellowstone River Task Force adopted the following process for development of recommendations and for adoption of final recommendations to be submitted to the Governor.

1. General Discussion Session to Develop Recommendations

- a. The Task Force will convene meetings to consider proposed recommendations that pertain specifically to the *Topics of Consideration* list previously adopted. The Task Force Chair will oversee and run each meeting according to the procedures set forth below. Issues, comments, concerns, and draft recommendations related to the *Topics of Consideration* under discussion, which have been raised and recorded after the eight research presentations, will be revisited by the Task Force and the public. New comments, concerns, and recommendations may also be raised and recorded.
- b. Task Force members speak first and when they have no further comments, members of the public will be asked for their comments. The Task Force Chair is responsible for ensuring comments remain concise and that they relate to the *Topics of Consideration* under specific discussion.
- c. Upon conclusion of the comment and discussion period in each meeting, the Task Force will propose recommendations formally in accordance with the procedures set forth in Paragraph 2 below.

2. Formal Actions on Recommendations

- a. All recommendations must be proposed by a voting Member of the Task Force and must be clearly stated and recorded.
- b. The Task Force Chair restates each recommendation made and asks the Task Force for final concerns and questions relating to each recommendation.
- c. The Task Force Chair calls for consensus on each recommendation made.
- d. The Task Force formally adopts recommendations that achieve consensus, subject only to modification at the final meeting as set forth in Paragraph 3 below.
- e. If any recommendation fails to achieve consensus, the Task Force may continue to consider that recommendation and may again seek consensus after further discussion, may defer action on the recommendation until a future meeting, or may decide to abandon the effort to obtain consensus on that particular recommendation. (Note: Task Force Ground Rules: Participants who disagree with a proposal are responsible for offering a constructive alternative that seeks to accommodate the interests of all other participants.)

3. Adoption of Final Set of Recommendations

- a. Prior to finalizing its recommendations to be forwarded to the Governor, the Task Force will accept public comment (written only) on the recommendations previously adopted in Step 2.
- b. At its last meetings during which the Task Force finalizes the complete set of recommendations to be forwarded to the Governor, Task Force Members may not propose new recommendations but may propose modifications, amendments, or deletion of any of the previously adopted recommendations in Step 2 for any reason, including but not limited to:**
 - i. To address concerns expressed by a Task Force Member's constituency or the public about the original recommendation;
 - ii. To eliminate potential conflicts between recommendations;
 - iii. To delete redundant or duplicative recommendations;
 - iv. To integrate scientific studies and data more efficiently into the recommendations; or
 - v. To correct clerical, typographic, transcription, grammatical, or rhetorical errors.
- c. The Task Force will adopt for transmittal to the Governor a complete set of recommendations based on the individual recommendations adopted by consensus pursuant to Step 2 above, as such recommendation may be modified, amended, or deleted by consensus pursuant to Step 3b above.
- d. The final set of recommendations must be approved by the Task Force for transmittal to the Governor by consensus.

Attachment B. Task Force Recommendations

July 23, 2003

Consensus was reached on the following Task Force Recommendations.

Note: These recommendations are subject to final adoption under Step #3 of the *Steps for Formal Action on Task Force Recommendations* (see *Attachment A* above for details).

1. Recommendation 5/22/03—Passed by Consensus

“Create a local Bank Stabilization Information Clearinghouse to provide information about new and existing methods of bank stabilization, including methods that complement the natural system and methods that might be appropriate for specific individual situations.”

2. Recommendation 5/22/03—Passed by Consensus

“The Task Force recommends that future decisions be made only after thorough consideration has been given to the geomorphology of particular river reaches and their different inherent characteristics.”

3. Recommendation 5/22/03—Passed by Consensus

“That studies be developed which would indicate what types of bank stabilization would work best to achieve particular goals within different geomorphic reaches of the upper Yellowstone River.”

4. Recommendation 5/22/03—Passed by Consensus

“That the existing streamlined uniform permit application process be continued among local, state, and federal permitting agencies.”

5. Recommendation 5/22/03—Passed by Consensus

“Establish financial incentives to help landowners, on a voluntary basis, to remove structures that no longer function properly or are obsolete.”

6. Recommendation 6/2/03—Passed by Consensus

“Establish financial incentives to help landowners, on a voluntary basis, to modify or replace existing structures provided that such modified or replaced structures eliminate or mitigate undesirable impacts on the riparian system.”

7. Recommendation 6/2/03—Passed by Consensus

“Modify or replace existing public structures that have undesirable impacts on the riparian system, provided that such modified or replaced structures eliminate or mitigate those undesirable impacts with no significant adverse effects on existing public or private entities.”

8. Recommendation 6/2/03—Passed by Consensus

“Implement a solution to achieve hydraulically-balanced water surface elevations, with little or no backwater, in the channels separated by Ninth Street and Siebeck Islands.”

9. Recommendation 6/2/03—Passed by Consensus

“Recommend that when the following bridges are replaced or removed, hydraulic impacts identified in the Geomorphology Study be lessened: Emigrant Bridge; Carter’s Bridge; Interstate-90 Bridge; Railroad Bridge at Highway 10 East; Highway 10 East Bridge; Highway 89 Bridge near the Shields River; Railroad Bridge at Highway 89; and Springdale Bridge.”

10. Recommendation 6/2/03—Passed by Consensus

“Develop solutions to remove abandoned bridge abutments and piers, and reclaim abandoned approaches.”

11. Recommendation 6/2/03—Passed by Consensus

“That additional studies should be designed and conducted to document the proliferation of noxious or invasive plants along the river corridor, and to evaluate the impacts on fish, wildlife, water quality, soil and bank stability, and economic productivity.”

12. Recommendation 6/11/03—Passed by Consensus

“All permitting and/or regulatory management decisions (including the SAMP) must recognize and respect:

(a) the function of the flood plain, including but not limited to: connectivity between the river channel and the flood plain; regeneration of cottonwoods and other riparian vegetation; and maintenance of side channel habitat for spawning and juvenile fish; and

(b) the public and private interest in protecting private property and important social, economic and natural resources existing on or near the flood plain of the Yellowstone River.”

13. Recommendation 7/08/03—Passed by Consensus

“That no additional Livingston Schools be constructed on McLeod Island.”

14. Recommendation 7/08/03—Passed by Consensus

“To encourage people to study different techniques or ways to alleviate the flooding damage through the upper Yellowstone River study area.”

15. Recommendation 7/08/03—Passed by Consensus

“That annual fish population surveys be conducted on all sections where they have historically been made. If indications of a declining population are detected, additional studies must be implemented to identify potential causes and recommend actions that will restore populations.”

16. Recommendation 7/08/03—Passed by Consensus

“That further investigations into the production and rearing of juvenile fish be conducted; particularly to determine the relative importance of lateral side channels, mainstem habitats, overflow habitats, and spring creeks.”

17. Recommendation 7/08/03—Passed by Consensus

“Encourage the US Geological Survey-Helena and the US Geological Survey-Biological Resources Division to monitor and measure the effects of instream structures on the river over time.”

18. Recommendation 7/15/03—Passed by Consensus

“Propose a Park County Bond Issue to protect and preserve agricultural lands, scenic views, socially desirable riverscapes, and important riparian habitats along the Yellowstone River; and establish a representative Citizens’ Advisory Council to develop criteria, to recommend expenditures, and to facilitate approval of projects funded by public monies.”

19. Recommendation 7/15/03—Passed by Consensus

“Establish a fund, with the State of Montana, to match on a dollar for dollar basis, all projects that have been funded by the Citizens’ Advisory Council pursuant to a Park County Bond Issue to protect and preserve agricultural lands, scenic views, socially desirable riverscapes, and important riparian habitats along the Yellowstone River.”

20. Recommendation 7/22/03—Passed by Consensus

“That the Natural Resource Information System (NRIS) houses all Task Force Geographic Information System (GIS) information.”

21. Recommendation 7/22/03—Passed by Consensus

“ To continue policies that allow removal of large woody debris on a localized basis to protect public and private infrastructure, to assure public safety, and to allow side channel function when necessary.”

22. Recommendation 7/22/03—Passed by Consensus

“Continue necessary dredging of sedimentation to maintain irrigation structures and canals.”

23. Recommendation 7/22/03—Passed by Consensus

“All new and refurbished bridges should be designed to mitigate upstream and downstream negative impacts of sedimentation and gravel deposition.”

24. Recommendation 7/22/03—Passed by Consensus

“That a study be conducted to understand the river dynamics and hydrology related to sloughing of river banks at Deep Creek, the Weeping Wall, and Mallard’s Rest.”

25. Recommendation 7/22/03—Passed by Consensus

“Fund an immediate study of the social carrying capacity of the Yellowstone River, to be conducted by researchers within the state university system with the cooperation of the Department of Fish, Wildlife and Parks and other state and federal agencies to quantify the current conflicts and potential future conflicts among recreational users and property owners, and impacts to fish and wildlife.”