

**Governor's Upper Yellowstone River Task Force
Meeting Transcription
August 5th, 2003
Yellowstone Inn
Meeting began at 7:00 p.m.**

I. Introductions

Members Present:

John Bailey, Chair	Michelle Goodwine	Ed Schilling
Roy Aserlind	Dave Haug, Vice Chair	Rod Siring
Andy Dana	Jerry O'Hair	
Steve Golnar	Brant Oswald	

Ron Archuleta, USFS Ex-Officio	Allan Steinle, Corps Ex-Officio
Laurence Siroky, DNRC Ex-Officio	Joel Tohtz, FWP Ex-Officio

Others Present:

Liz Galli-Noble, Coordinator	Scott Bosse	Jim Robinson
Kelly Wade, Secretary	Chuck Dalby	Stan Todd
Jacqueline Isaly, Assistant	Lionel Dicharry	Burt Williams
Tom Arrandale	Lenny Gregrey	
Jim Barrett	Bill Moser	

NOTE: Normally, the Task Force tape records its meetings and uses a transcription of those tapes as our meeting minutes. Unfortunately, the tape recorder malfunctioned at this August 5, 2003 meeting, so only limited details of the meeting are recorded in these minutes.

II. Prior Meeting Minutes

Dave Haug moved to approve the July 29, 2003 minutes. Jerry O'Hair seconded the motion. The motion passed unanimously.

III. Financial Updates

EXPENDED GRANTS			
Grant Name	Completed	Amount (dollars)	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</i> Workshop
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	80,579.19	41,620.81

Of the \$41,620.81 remaining in the #319 Grant, \$4,877.93 will be paid to the Park Conservation District as administration fees.

IV. Other Task Force Business

1. *Governor's Conference for the Upper Yellowstone River*

Roy Aserlind and Liz Galli-Noble, members of the Task Force Conference Subcommittee, gave an update on the preparations for the Governor's Conference to be held this October. The Conference Subcommittee has been working out details for the conference and wanted to run their main ideas by the full Task Force. An overview was presented (see *Attachment A*) and comments encouraged. When asked if the Task Force was comfortable with the committee's funding strategy, all were supportive. When asked about a debate concerning the conference agenda, specifically having two simultaneous "tracks" for the breakout sessions, the general consensus was that the science and policy making should not be separated, and that people should be able to attend all of the sessions if they want to, rather than having to choose between one or another. The subcommittee will work out those scheduling details and report back to the Task Force at one of the next meetings. Dave Haug reported that he had spoken to Dave Martin (DNRC Watershed Planning Assistance Grant manager) earlier that day and that he thought we would be receiving some funding for the conference through the WPA Grant, but that it would not likely be the entire \$10,000 that was requested.

2. *Reflection on Task Force Recommendations*

Bill Moser commented that he had attended a City of Livingston meeting the night before, and that it was his impression that the City was uncomfortable with some (one-third) of the recommendations made by the Task Force to date. He was hoping that members of the Task Force would be able to educate the City Commission as to why those recommendations were important, and hopefully bring them to agreement.

Brant Oswald submitted a letter to the Task Force and reviewed its contents (see *Attachment B* to review the letter). A short discussion followed.

V. Task Force Recommendation Deliberations

John Bailey reviewed the *Steps for Formal Action on Task Force Recommendations* with the group. He then opened the discussion up to the group for proposed recommendations.

Steve Golnar, Task Force representative for the City of Livingston, made five proposed recommendations. Any changes made to the proposed recommendation and the final one that passed by consensus reflects discussion and wordsmithing on the part of the Task Force members and members of the public. The individual proposing the recommendation had to agree to all changes made to the recommendation.

#1. Proposed recommendation by City of Livingston:

"That Park County join with the City of Livingston to co-sponsor the Section 205 Study in order to develop a comprehensive approach to structural and non-structural solutions to floodplain management issues in and around the City of Livingston. As we stated in June of 1999, 'impacts to the river which affect the City are not limited to our corporate city limits. Flood control solutions may also not be limited by our corporate city limits'."

Recommendation Passed by Consensus:

"That Park County be asked to join with the City of Livingston to co-sponsor the Section 205 Study in order to develop a comprehensive approach to structural and non-structural solutions to floodplain management issues in and around the City of Livingston."

Jerry O'Hair chose to stand aside on this recommendation.

#2. Proposed recommendation by City of Livingston:

“That the Section 205 Corps of Engineers Study evaluate the costs, benefits, and feasibility of certifying the existing alignment of the levee and determine the impact on flood plain and flood way maps that the development of such a certified structure would provide. That the cost benefit analysis assume, similar to the proposed FEMA Floodplain and Floodway map, that no levee or “land structure” exists when determining potential property loss from a 100 year flood event. That the feasibility analysis also take into consideration the annual cost of flood insurance for appropriate properties for the expected life of the project.”

This proposed recommendation did **not** reach consensus.

#3. Proposed recommendation by City of Livingston:

“That the Task Force support the creation and funding of relocation and buyout options for property owners who are located or reside in the floodway.”

Recommendation Passed by Consensus:

“Analyze the feasibility of relocation and buyout options for property owners who are located or reside in the floodway.”

#4. Proposed recommendation by City of Livingston:

“That direction be asserted that any structural or non-structural improvements to the river corridor through Livingston look attractive and blend with environmental, cultural, and historic themes of the community.”

Recommendation Passed by Consensus:

“That direction be asserted that any structural or non-structural improvements to the river corridor through Livingston blend with the environmental, cultural, and historic themes of the community.”

#5. Proposed recommendation by City of Livingston:

“That design considerations include among other criteria like function, historic, cultural, and aesthetic concerns that all bridges on the upper Yellowstone River to be rebuilt to zero backwater standards at any scheduled reconstruction. As an initial project, that a zero backwater design at the US 10 Bridge over the Yellowstone East of Livingston be designed to increase the flow capacity of the river through town and that the cooperation and support of the railroad to build a parallel zero backwater bridge north of the Highway 10 East Bridge be secured.”

Recommendation Passed by Consensus:

“That bridge design considerations on the Upper Yellowstone River include examination of the costs and benefits of zero backwater standards at any scheduled reconstruction. As an initial project, that a zero backwater design at the US Highway 10 Bridge over the Yellowstone east of Livingston be evaluated to increase the flow capacity of the river through town, and that the cooperation and support of the railroad to build a parallel zero backwater bridge north of the Highway 10 East Bridge be secured.”

#6. Proposed recommendation by City of Livingston:

“Consider meandering of the river through Livingston in planning and managing the Yellowstone River flood plain.”

This proposed recommendation was tabled by Steve Golnar, in order to allow others to make recommendations.

#7. Proposed recommendation by Andy Dana:

“To study the feasibility of creating a voluntary, market-based program to remove, relocate, or redesign bank stabilization structures by allowing trade in state and federal bank stabilization permits.”

Recommendation Passed by Consensus:

“To study the feasibility of creating a voluntary, market-based program to remove, relocate, or redesign bank stabilization structures by allowing trade in state and federal bank stabilization permits.”

#8. Proposed Recommendation by Brant Oswald:

“That mining be prohibited in the bed and banks of the upper Yellowstone River.”

Recommendation Passed by Consensus:

“That mining and mining-related dredging be prohibited in the active bankfull bed and banks of the upper Yellowstone River.”

Jerry O’Hair chose to stand aside on this recommendation.

At 10:30 pm, members of the Task Force decided to end the meeting. Several additional recommendations were yet to be discussed, so an additional meeting was scheduled for August 12, 2003 and the proposed recommendations will be addressed. They are:

Proposed recommendation by Brant Oswald:

“That construction of a dam not be considered as a potential management alternative for controlling flooding on the upper Yellowstone River.”

Proposed recommendation by Park County:

“Criteria for significance thresholds used in the cumulative effects analysis should be based on existing state and federal statutes, local planning and policy documents, and the results of the Task Force sponsored socio-economic investigation.”

Proposed recommendation by Park County:

“Any regulatory program modifications addressed through the cumulative effects assessment process should be designed so that the level of scientific investigation, permit review, and monitoring for proposed projects are broadly defined by geomorphic channel type, and specifically determined by pre-existing local conditions.”

Proposed recommendation by Park County:

“Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the results of basin-wide cumulative effects analysis of alternative management scenarios.”

Note: See *Attachment C* for summary of all recommendations that have reached consensus to date.

VI. Next Task Force meetings:

**August 12th, 2003, Tuesday – Task Force Recommendation Deliberations
Location: Yellowstone Inn**

**August 19th, 2003, Tuesday – Step #3 of the *Steps for Formal Action on Task Force Recommendations*
Location: Yellowstone Inn**

VII. The meeting was adjourned at 10:35 p.m.

Attachment A.
Governor's Upper Yellowstone River Task Force
Conference Subcommittee
Update
August 5, 2003

Subcommittee Members: Roy Aserlind, Bob Wiltshire, Duncan Patten, Rich Moy, and Liz Galli-Noble

I. General Conference Issues:

Attendance: We are planning for 200 people.

Conference Purpose

Project closure.

Present final Task Force recommendations to Governor Martz and the public.

Presentation of the seven Task Force research studies and their findings.

Review of Task Force policies and processes; lessons learned.

Presentation of Cumulative Effects Analysis for the Upper Yellowstone River.

Public education and outreach.

Tentative Conference Agenda

Attached; details still being worked out.

Location

Chico Hot Springs Resort, Pray Montana

Chico is booked and MSU/EPA put down a \$1,125.00 deposit on August 3, 2003.

Date and Schedule

October 20 (evening) to October 22, 2003 (lunch)

Funding & Expenses

Funding:

- | | |
|-------------------------|---|
| (1) \$5,000-secured | DNRC-WRB, Rich Moy |
| (2) \$7,000-secured | Leftover EPA funding from Duncan Patten's CEA workshop. |
| (3) \$10,000 (?) | Watershed Planning Assistance Grant (DNRC-CARRD)
Applied late July; sponsored by Park CD |
| (4) <u>\$10,000 (?)</u> | HB #223 Grant (DNRC-CARRD)
Plan to apply, due August 11, 2003; sponsored by Park CD |

\$32,000

Registration Fee

It was agreed that we should charge a registration fee.

\$75	State and Federal agency personnel	50 x \$75 =	3,750
\$25	All others	150 x \$25 =	<u>3,750</u>
			\$7,500

Reservations

Participants are asked to pay for and to make their own room reservations; state rate: \$35 (single) or \$55 (double) at Chico. 20 to 30 rooms will be reserved for Task Force use.

Conference Expenses

Meals—\$86 each (estimated) for 200 people	17,200
Facility—conference rooms for 2½ days	1,125
Incident Costs & Coordination	4,000
**Scholarship Lodging	1,400
Travel	1,500
Tours	??
	\$24,225

****Scholarships (limited)**

Scholarships will be available to help support lodging and registration fee expenses for participants who would not be able to attend without assistance.

Announcements

Personal letters of invitation, Task Force website, watershed list serves, local newspapers, etc.

Attachment B. Letter to Task Force from Brant Oswald

Brant Oswald
117 South 9th Street
Livingston, MT 59047
(406) 222-8312
e-mail: brant.pez@ycsi.net

Upper Yellowstone River Task Force
5242 Hwy. 89 South
Livingston, MT 59047

Dear Fellow Task Force Members:

As the recommendation process winds down, I feel compelled to express my disappointment that the Task Force was not able to reach consensus on recommendations on what I consider to be the core issues of our charge: comprehensive planning of bank stabilization projects and of future floodplain development. While we have made some limited recommendations on stabilization projects, our inability to act on or even discuss these issues in a substantive way is a failure of our mission and of the public trust. I also believe we have missed an opportunity for local stakeholders to direct policy that will affect them in the future.

In the years that I have donated time and effort to environmental and resource issues, I have always been frustrated by the polarization that marks many of the debates on these issues. Shouting matches and litigation between parties acting from entrenched positions do little to preserve the resources we all treasure in our own ways. I had hoped the Task Force's "round table" structure and consensus decision-making process would move us beyond this polarization. On reflection, those hopes have been disappointed.

My working assumption as we started the process five years ago was that resolving the conflict (or perceived conflict) between private property rights and the preservation of floodplain function was what we were all about—that we would take that conflict as a starting point and work to move beyond it in creative ways. In the last few weeks, that conflict has proved to be an insurmountable stumbling block to our efforts.

I am proud of the research we have sponsored, as I believe this information will be vital for future planning efforts. However, I want to make sure that I enter into the public record that we as members of the Task Force have failed to do at least some of that planning ourselves.

Sincerely,

Brant Oswald

August 6, 2003

Attachment C. Task Force Recommendations by Category

BANK STABILIZATION

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."

PERMITTING / REGULATORY / MANAGEMENT DECISIONS

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 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."

6. 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."

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

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

8. Recommendation 7/29/03—Passed by Consensus

"That the Department of Fish, Wildlife, and Parks develop a 'closure' matrix specifically designed for the Upper Yellowstone River and its own unique characteristics. This matrix is to be used in the event of any future severe conditions which may necessitate considerations of protection for its fisheries and fish habitat."

9. Recommendation 7/29/03—Passed by Consensus

"The U.S. Army Corps of Engineers include in their 205 Study an investigation of widening the channel by resloping the north bank, in a stepped or terraced fashion, around cross sections #55,000 and #56,000 on the floodplain map."

10. Recommendation 8/05/03—Passed by Consensus

"That Park County be asked to join with the City of Livingston to co-sponsor the Section 205 Study in order to develop a comprehensive approach to structural and non-structural solutions to floodplain management issues in and around the City of Livingston."

11. Recommendation 8/05/03—Passed by Consensus

“Analyze the feasibility of relocation and buyout options for property owners who are located or reside in the floodway.”

12. Recommendation 8/05/03—Passed by Consensus

“That mining and mining-related dredging be prohibited in the active bankfull bed and banks of the upper Yellowstone River.”

FINANCIAL INCENTIVES

13. 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.”

14. 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.”

15. 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.”

16. 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.”

17. Recommendation 7/29/03—Passed by Consensus

“State, Federal, and private sources be developed to increase the funding available for conservation easements on lands in close proximity to the upper Yellowstone River.”

18. Recommendation 8/05/03—Passed by Consensus

“To study the feasibility of creating a voluntary, market-based program to remove, relocate, or redesign bank stabilization structures by allowing trade in state and federal bank stabilization permits.”

PUBLIC STRUCTURES

19. 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.”

20. Recommendation 8/05/03—Passed by Consensus

“That direction be asserted that any structural or non-structural improvements to the river corridor through Livingston blend with the environmental, cultural, and historic themes of the community.”

9TH STREET ISLAND SOLUTION

21. 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.”

BRIDGES

22. 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."

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

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

24. 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."

25. Recommendation 8/05/03—Passed by Consensus

"That bridge design considerations on the upper Yellowstone River include examination of the costs and benefits of zero backwater standards at any scheduled reconstruction. As an initial project, that a zero backwater design at the US Highway 10 Bridge over the Yellowstone (east of Livingston) be evaluated to increase the flow capacity of the river through town, and that the cooperation and support of the railroad to build a parallel zero backwater bridge north of the Highway 10 East Bridge be secured."

NOXIOUS / INVASIVE PLANTS

26. 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."

FLOODPLAIN DEVELOPMENT

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

"That no additional Livingston Schools be constructed on McLeod Island."

FISH / FISHERIES

28. 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."

29. 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."

FUTURE SCIENCE / MONITORING / RESEARCH

30. 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."

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

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

32. 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."

33. 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."

34. Recommendation 7/29/03—Passed by Consensus

"Encourage the maintenance of a long-term database of macroinvertebrate populations to monitor water quality in the Yellowstone River."

35. Recommendation 7/29/03—Passed by Consensus

"That the drilling site known as Hobbs Well be thoroughly investigated to determine what, if any, impacts it has created, or may create, on subterranean and surface water flows."

36. Recommendation 7/29/03—Passed by Consensus

"That Montana State University serve as the lead organization to coordinate efforts by the scientific community and agency personnel to develop and implement a long-term research and monitoring program in the Upper Yellowstone River Study Area."

37. 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."

NEW STAKEHOLDER GROUP

38. Recommendation 7/29/03—Passed by Consensus

"A stakeholder group be developed to continue to monitor the status of the upper Yellowstone River, to make recommendations about river related issues, to encourage long-term monitoring of river related projects, to promote the completion of identified research needs, and to examine the implementation of the Task Force recommendations."