

**Governor's Upper Yellowstone River Task Force  
Meeting Transcription  
August 12<sup>th</sup>, 2003  
Yellowstone Inn  
Meeting began at 7:00 p.m.**

**I. Introductions**

**Members Present:**

Dave Haug, Vice-Chair	Michelle Goodwine	Ed Schilling
Roy Aserlind	Jerry O'Hair	Steve Golnar
Andy Dana	Brant Oswald	Bob Wiltshire

Robert Ray, DEQ Ex-Officio	Allan Steinle, Corps Ex-Officio
Laurence Siroky, DNRC Ex-Officio	Joel Tohtz, FWP Ex-Officio

**Others Present:**

Liz Galli-Noble, Coordinator	Bill Moser	Tom Pick
Jacqueline Isaly, Assistant	George Jordan	Scott Bosse
Deb Corbett, Secretary	Jim Robinson	
Duncan Patten, TAC Chair	Karl Biastoch	

**II. Prior Meeting Minutes**

**Jerry O'Hair moved to approve the August 5<sup>th</sup>, 2003 minutes. Michelle Goodwine seconded the motion. The motion passed unanimously.**

**III. Financial Updates**

<i><b>EXPENDED GRANTS</b></i>			
<b>Grant Name</b>	<b>Completed</b>	<b>Amount</b>	<b>Study Component</b>
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 <sup>st</sup> )	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 expenses
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 <sup>nd</sup> )	3/21/02	58,000.00	Coordinator position
DEQ 319 Grant (3 <sup>rd</sup> )	9/30/02	44,000.00	Coordinator position
EPA RGI Grant	12/20/02	30,000.00	Geomorphology study
<i><b>CURRENT GRANTS</b></i>			
<b>Grant Name</b>	<b>Amount</b>	<b>Spent</b>	<b>Remaining Balance</b>
DNRC RDGP Grant (expires 7/03)	299,940.00	288,621.63	11,318.37
DEQ 319 Grant (4 <sup>th</sup> ) (expires 3/04)	122,200.00	80,579.19	41,620.81

**Liz Galli-Noble:** There is \$41,620.81 remaining in the 319 Grant. Of that amount, \$4,877.93 will be paid to Park CD for administration fees.

#### **IV. Other Task Force Business**

**Andy Dana:** What is the status of the reports and where are they? Just out of curiosity really, not that they can help us now.

**Liz Galli-Noble:** We just finished the TAC review of the geomorphology report on Friday. I'm thinking one or two weeks for the final report to be done after that and then it'll be printed. The riparian trend analysis closes out tomorrow for technical review. I'm thinking about one or two weeks for that one as well. The USGS-BRD fish habitat report was submitted, I would say, as much as a month ago to the Corps of Engineers. The USGS-WRD in Helena—they still owe us their second report, which is the sediment transport report. That is basically done, but they're going through an internal review within the USGS. They've been making some minor changes to it, so they can't release it until their superiors release are comfortable. It's my opinion that as soon as we get that draft report there will be a very quick turn around for the technical review. Actually I'm sorry, Duncan would you agree with all of that? OK, so that's the status. Tom Pick is here tonight and he just finished the current watershed land use report about two or three days ago. It is being printed right now and should be out within a week. So by the next meeting I will give the watershed reports, and I'll try to get those other reports printed as fast as possible.

**Andy Dana:** Did you mention the cottonwood studies?

**Liz Galli-Noble:** That was the riparian trend analysis report, yes.

**Andy Dana:** They're all going to be ready for the Governor's conference, then?

**Liz Galli-Noble:** Yes. Absolutely.

**Dave Haug:** Any other new Task Force business?

**Bill Moser:** I went down to Park Electric to pay my bill today and I bothered to look at this railroad bridge. This thing already has a dry span and it's been riprapped about 70 percent in front of it. If that stuff were to be taken out, I bet just about anybody on the Task Force an ice cream that that thing would pass a 100-year flood without being changed at all. So you're halfway to getting a lot of water down past the City of Livingston and it's a lot more impetus to fix the other bridge in a better fashion.

#### **V. Task Force Recommendation Deliberations**

**Dave Haug:** Okay, with that we'll move into Task Force final deliberations. Steve Golnar, do you want to present the last one from the City from our last meeting?

**Steve Golnar:** I will in a little bit. I'll be back in just about five minutes.

**Dave Haug:** Just a reminder that we'll use the same basic process as usual: a general discussion, followed by final Task Force comments and concerns, and a call for consensus. If the proposed recommendation fails to reach consensus, we'll go back into Step 1 and hopefully the participants dissenting on anything will offer other options to move it forward. Okay Brant, we have one of your s from the last meeting.

**Brant Oswald:**

#1. Proposed recommendation by Brant Oswald:

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

This recommendation came out of something that Bill Moser had provided the Task Force with quite a bit of information on. Those of you who have read this know that Bill tried to spend quite a bit of time giving us a rationale why a major dam on the Yellowstone wouldn't be economically or structurally feasible; I think we all go into this with the idea that some of us, myself not included, actually have quite a bit of a

legacy in fighting the Allenspur Dam years ago. I think there's probably enough valuable real estate in Paradise Valley that building a dam at Allenspur is probably not on the agenda, but I thought that Bill had a good point that on some of these issues if we have a recommendation, even if it seems straightforward to us, it at least gets it into the record. So the recommendation is just that in the management alternatives that we consider, building a major dam and filling up the valley with a reservoir is one that we recommend not be considered as one of the possible alternatives.

**Dave Haug:** Do we have any comments on that?

Along that same line, being familiar with the Wineglass, I don't think it's a structurally sound decision to put a dam in there because of all the caverns and the limestone buildup there. I would be opposed to it personally, anyway. Any other comments?

**Andy Dana:** There was also a dam proposed historically down just above Springdale. That was part of the Bureau of Reclamation's plan, so this would eliminate that potential dam site as well. I guess my question is what is the intent of this? You talk about a 'major' dam; what I would not like to see this prohibit are structures like grade control, structures over side channels—we put in a few, which you can't even see anymore because they're buried below sills, which allow side-channel function but prevent run away channels. I don't think that's your intent, but I just want to make it clear that I'd be in favor of it if it's not construed that way.

**Jerry O'Hair:** I guess when I look at this I kind of wonder if it came from the *New York Times*. Back in 1997 I had a rogue channel through my property, and I proposed blocking the rogue channel and it came out in the *Times* that "local rancher from Paradise Valley in the upper Yellowstone proposes damming the Yellowstone." It caused quite a furor nation-wide and when I applied for my permit there were a lot of comments from the eastern seaboard. The concern was that I was damming the Yellowstone River. So I've also got a concern with this. Another concern that I have is that the Park Branch Canal and the Livingston Ditch also have some diversion dams in some of the channels, and I'm really concerned that this may have some ramifications. We rebuilt the Park Branch Canal in the spring of 1996, so those things are something that have to be replaced, and I'm just wondering if this is going to have an effect.

**Brant Oswald:** Well, I guess the first comment I have here is about irrigation diversion. The sort of structures that Jerry and Andy talked about is not what I meant here, and I realize that just using the term "dam" is too general. Maybe we need to do some wordsmithing here; I'm not thinking about the Park Branch Canal or other irrigation diversions but just a large-scale dam that would dam the entire river is what I have in mind here.

**Scott Bosse:** Brant, would it help if you change it to "the construction of a dam and storage reservoir," and that you would have to have both for it not to be considered as a potential management alternative?

**Brant Oswald:** Jerry does that get at your concerns or do you have some other language?

**Bill Moser:** Perhaps just adding the word "runoff"—a dam to handle spring runoff?

**Brant Oswald:** Well, Andy just had a comment about a dam on the mainstem of the Yellowstone River; I think "a main stem dam" gets at my thinking; "the construction of a mainstem dam."

**Dave Haug:** Could you put in an exclusion for irrigation diversion dams?

**George Jordan:** What about "the construction of a mainstem dam greater than bank-full width" or something like that? That would sort of grandfather in your irrigation structures, but it would forego any large type dam. Or you could put "hydro-electric" in there; because if you can't build hydro-electric the Bureau can't justify the cost to construct it because they can't come up with some government numbers on electrical values. So those are two options.

**Roy Aserlind:** This would be just another option: "the construction of a dam in the thalweg of the Yellowstone River not be considered," which I think would pretty well limit it to the thalweg of the

Yellowstone and would not have anything to do with the side channels or the concerns that Jerry has. To me it would seem to be very obvious language.

**Jerry O'Hair:** I guess I have a little bit of concern with that because it has been considered that we put a temporary dam across the Yellowstone in order to build an irrigation channel. It's only temporary, but it does happen.

**Bob Wiltshire:** Jerry, I guess my question would be—it seems that this is worded to be very specific so that this only applies where it would be considered for controlling flooding on the river. So I guess, as I read it, anything that would be done for a purpose other than controlling flooding would be allowed. Is that what you intended, Brant?

**Brant Oswald:** Right.

**Tom Pick:** I was going to suggest, perhaps you could just say, given that thought, "that construction of a flood control dam on the mainstem of the Yellowstone not be considered as a potential management alternative."

**Brant Oswald:** Yeah, I think that language actually is very clear.

**Scott Bosse:** Brant, if it's worded that way you could still have an irrigation storage dam as long as it provided irrigation water, hydro-electricity, and recreation. If you still want to allow opportunities for those types of uses to be connected to a dam that recommendation wouldn't address it. That's why I suggested using the language "dam and storage reservoir." It implies you're creating major impoundment and addresses all of those uses.

**Brant Oswald:** I do want to get consensus on this. I'd just like to see if Jerry's comfortable with that language.

**Jerry O'Hair:** It doesn't bother me too much, except that you're restricting future generations from any sort of management situation. As I look at the water in the Yellowstone River, you either use it or you'll lose it. Water is getting to be a commodity today that is not something we just want to give away. Looking at what some of the downstream people are considering, I'm a little bit concerned about restrictions on this, but I'm not going to stand in the way.

**Brant Oswald:** Scott, what was the language that you were suggesting again?

**Scott Bosse:** "That construction of a dam and storage reservoir on the mainstem of the Yellowstone River not be considered a potential management alternative."

**Dave Haug:** I personally like the other language, instead of adding that. What's everybody else think?

**Brant Oswald:** Dave, what are your thoughts on that? I'm just trying to make sure I understand what everybody's thinking here.

**Dave Haug:** The possibility down the road that we may need a small hydro-electric dam that may impound hardly any water. You know, there's a possibility that we may need it; you know energy is a factor right now, and will become a larger factor later on. I wouldn't like to see us in a situation where we locked everything out like that. I think this pretty well covers the things we're worried about, but the small things we might want to do down the road we may not want to lock out. I like this first one, but I guess the other I might not. What's everybody else think?

**Brant Oswald:** I guess I'll just keep the discussion going. I think the language that Andy had was the "structure of a dam and impoundment on the mainstem."

**Andy Dana:** Would that permit a cross-channel structure that doesn't impound water?

**Robert Ray:** Isn't that the purpose of a dam—to impound water?

**Andy Dana:** No, I think you can have a cross-channel structure that could be construed as a diversion. I haven't seen it on the upper, but it could be like the diversion dam down by Intake, or wherever it is. It doesn't impound any water but it's all the way across the channel and it diverts water.

**Brant Oswald:** It seemed to me that in the discussion where we were going was to say that we were looking at something other than just flood control. The idea was that we don't build a major dam on the mainstem of the river.

**Duncan Patten:** My feeling is you can tinker with this all you want, Andy. When the river flow is so low that a diversion dam ultimately could help create an impoundment behind it. You could tinker with this forever, but to say that a diversion dam never impounds is not true. But that's not the intent of this. I just thought that I've seen enough streams that below the diversion dam there's no flow.

**Dave Haug:** Based on that reasoning, I guess if the word "impoundment" is in there, I'd probably go against it.

**Brant Oswald:** I didn't think we would spend all night on this. I guess, Dave, if we return the language to "flood control dam and impoundment," then are you comfortable with it?

**Dave Haug:** I think so.

**Brant Oswald:** I'd like to see us reach consensus on this, so I would be willing to go back to "flood control dam."

**Dave Haug:** Any other comments? Shall we go to Step 2?

**Steve Golnar:** Is your proposal, Brant, relating to a management alternative for flood control? Does this go under river management in general?

**Brant Oswald:** I think we're turning this into flood control, but I was thinking of something more general. That's what I had in mind for the recommendation. I think the little bit of introduction that you missed, Steve was just saying that, given some of the history of some of the other proposed dams on this river, this was a recommendation that we not consider a major dam to dam the entire mainstem of the river; that it not be considered as an alternative; that we simply go on record as saying that we're not recommending that as a potential solution to our problems.

**Dave Haug:** I will reread the proposed recommendation, "That construction of a flood control dam and impoundment on the mainstem of the Yellowstone River not be considered as a potential management alternative."

With that, are we comfortable with this for consensus or not?

Jerry do you have a comment?

**Jerry O'Hair:** I'll stand aside.

**Dave Haug:** We've reached consensus on this one, with Jerry O'Hair standing aside.

**Recommendation                      Passed by Consensus**

**"That construction of a flood control dam and impoundment on the mainstem of the Yellowstone River not be considered as a potential management alternative."**

So we'll go on to one from Ed Schilling.

**Ed Schilling:** There are actually three of them, and with the help of Jim Robinson and Chuck Dalby we put these together. What they're for is once the Task Force goes away it gives the Cooperative Agreement agencies a process to go through.

#2. Proposed recommendation by Ed Schilling, 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."

**Dave Haug:** Okay, do we have any comment on that?

**Andy Dana:** What are the significance thresholds, and are we certain they're going to be used in a cumulative effects analysis?

**Jim Robinson:** Funny, I thought you might ask that. The intent of these is to provide some basis and direction to the cooperative agreement group once the task force completes its recommendation process. One of the exercises we'll go through is trying to determine the significance of certain impacts. This recommendation simply states that we'll look for guidance on those matters through existing policy processes, state and federal statutes, and the results of the Task Force. Does that answer your question?

**Andy Dana:** I'm not sure it does. I guess that raises other questions. What other criteria would you use if you don't use state and federal statutes, local planning, and policy documents, and the results of the socio-economic investigation?

**Jim Robinson:** Personal values; personal points of view; individual ideas.

**Andy Dana:** Is that within job descriptions for public servants?

**Jim Robinson:** Well for example, one of the first things I would do is go to the Park County planning documents. That's an existing process that will tell me what the people that live here think are important.

**Andy Dana:** I guess the question then is wouldn't you do that anyway? Do we need this?

**Jim Robinson:** Well you're right. This may seem like a no-brainer but it acknowledges and directs. That's my point.

**Steve Golnar:** I have a question for Jim. "Existing," what does that mean? Is that as of the day that we completed the Task Force? You guys know that the City Comprehensive Plan is in the process of being updated. The County Comprehensive Plan is also in the process of being updated. The recommendation is in the process of being developed. So I'd hesitate to use the word "existing" in there, to not be able to incorporate more information.

**Jim Robinson:** Yeah, current, previously approved, or future... just strike the word "existing."

**Steve Golnar:** Yes, that would work.

**Bob Wiltshire:** I'm having trouble getting my hands around this. "Criteria for significance thresholds," do we have a list we could put in here? "Used in the cumulative effects analysis;" who is going to be doing the cumulative effects analysis that's going to be using these significance thresholds?

**Liz Galli-Noble:** The Corps is doing it.

**Bob Wiltshire:** So the County is asking us to give the Corps direction?

**Ed Schilling:** No.

**Bob Wiltshire:** So what is the County asking us to do here?

**Ed Schilling:** To guide us when we get together to put these recommendations to use.

**Jim Robinson:** I think part of the difficulty is that this recommendation is the third in a list of recommendations, so it is a bit out of sync. If we were to start with an earlier recommendation, for example, "Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the results of the basin-wide cumulative effects analysis," that may help.

**Dave Haug:** In the interim do you want to table the other one and go to this one?

**Ed Schilling:** Yes, please.

**Jim Robinson:** Okay, so we table recommendation #2 and will go with this next one.

**Ed Schilling:** Yes. It is:

#3. Proposed recommendation by Ed Schilling , Park County:

"Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the Task Force scientific investigations results of the existing basin-wide science cumulative effects analysis of alternative management scenarios."

**Jim Robinson:** Okay, so this may seem like a no-brainer as well but once the Task Force finishes its recommendation processes the Cooperative Agreement group and the TAC are going to be going through a process that's going to be examining the existing regulatory programs in light of the cumulative effects analysis. That was the original intent.

**Andy Dana:** I can't support this, basically because I don't know what the "results of the existing basin-wide science cumulative effects analysis of alternative management scenarios" is actually going to say. You're asking us to give direction based on something we don't know.

**Jim Robinson:** Right. I would have to agree with that, Andy. I wish that were different.

**Allan Steidle:** Well Jim, I know this one just says "be considered" and I know that's not a real firm commitment, but I have to agree with Andy in that there isn't a basin-wide analysis that I'm aware of. I know that there's one in development but that's not going to be available for a few years. I'm not in favor of waiting and sitting on our hands until it's available. Another concern that I have with this recommendation is that I don't think it's necessary to know everything about the river to make some decisions about the river that affect Park County. We don't have to know everything, to do anything. I agree that it would be valuable to have the results of that basin-wide study, but I don't think it's necessary to bide our time until it's available. To me that's not what the intention is but that's how I understand what's written.

**Bill Moser:** If you dropped everything from basin-wide on and just put "existing science," which is what you've been trying to do for five years, as they get a cumulative effects analysis it would be existing science. But until then the existing science is what this group and other groups have developed.

**Ed Schilling:** Go ahead and change that.

**Dave Haug:** How about everybody else? Jerry?

**Jerry O'Hair:** Well I'm not sure that I want to be managed by something that isn't there: "existing basin-wide science." So far, there isn't anything very substantial from basin-wide science. So that is going to control modifications to activities on the Upper Yellowstone? I'm not sure that's exactly what we want.

**Allan Steidle:** I think we're getting there but this wording would rule out all of the work we did. We can extrapolate what we did to other reaches of the river but our studies are specific to the Upper Yellowstone. They're not basin-wide.

**Dave Haug:** So, do you propose some change to the wording be adopted?

**Bob Wiltshire:** Do we need this recommendation? I have some faith in our regulators that when they're charged with program modifications it seems to me that they're silly if they don't go look at the science that's out there. Maybe I'm missing the boat, but I don't know that we need this.

**Jim Robinson:** I would agree with that observation. I think before we had "cumulative effects analysis" in that we recognized that a cumulative effect analysis was going to take place... that was part of the intent – demonstrating that. Here that's removed so, like you say I think it's obvious that we'll use the science that's available to be reviewed.

**Dave Haug:** So, are you comfortable with that or not?

**Bob Wiltshire:** Well, I wouldn't throw this out. I would not stand in the way of passage of this, because I don't see any harm in it. But I think we're wasting our time discussing this one because we're not telling them to do anything other than business as normal.

**Duncan Patten:** I want to add to Bob's comment. I disagree with you Bob, unfortunately, because many management decisions are not based on science at all. They're based on politics. They're based on a lot of other things. So, to basically say that we would like regulatory program modifications activities, which are management decisions, based on science—I would take out basin-wide—because that is too extensive. What we're saying is that managers should use science and the Task Force is going on record saying that. I am reminded about that periodically by my better half—that decisions are not made by science but by other things.

**Dave Haug:** With that, do you want to take out "basin-wide"?

**Ed Schilling:** Please.

**Scott Bosse:** Along those same lines I would say that they "must be considered based on the results of the existing science." I mean, they "should be considered"?

**Robert Ray:** I would caution about decisions made based solely on science. I think that economics and politics do play a role.

**Duncan Patten:** I agree, but the science should not be ignored.

**Jim Robinson:** And I think this does leave room for that. It says "considered" in context, so that will be a partial basis.

**Andy Dana:** Following up on Liz's theorem, this is too broad for me because I don't know what "existing science" is. There may be some real trash science. We're confident, I think, in the Task Force science, so I would like to emphasize that regulatory program modifications should be considered in the context of the Yellowstone Task Force's scientific investigations.

**Ed Schilling:** Sounds good.

**Jim Robinson:** My only concern there is if you have new data 10 years from now do you ignore it?

**Andy Dana:** This isn't exclusive.

**Dave Haug:** Yeah, this just basically says that they consider that, but it would not exclude them from or force them to look at something else either. Any more comments?

**Steve Golnar:** Not a big one, but it should be "Upper"...

**Liz Galli-Noble:** It should be "Governor's Upper Yellowstone River Task Force"

**Dave Haug:** Okay, we'll move into Step 2. I will read the proposed recommendation, "Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the Governor's Upper Yellowstone River Task Force scientific investigations". Any comments or concerns from the Task Force members? Everybody comfortable with that? This recommendation reaches consensus.

**Recommendation      Passed by Consensus**

**"Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the Governor's Upper Yellowstone River Task Force scientific investigations".**

Okay, moving on, Ed do you want to go back to the one we just tabled?

**Ed Schilling:** No. Let's do this other one:

#4. Proposed recommendation by Ed Schilling, 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."

**Allan Steinle:** Jim, help me out with the last clause there. What were you after there?

**Jim Robinson:** Simply that there are pre-existing conditions on the ground—like say for instance, the stretch through town—that constrain the range of alternatives that can be considered for management.

**Scott Bosse:** Didn't the Task Force already pass a recommendation that addressed geomorphic channel type? It's #2 under Bank Stabilization: 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 inherent characteristics. I believe that was Roy's recommendation.

**Bill Moser:** I'd like to point out that this is considerably broader. This takes into consideration things like velocity and the pressure of the river. At the time that you are in Phase [Step] 3 you may want to combine these, but this looks at more detail than what you had a couple months ago. This is, in some aspects, technically superior to what you had in that #2.

**Andy Dana:** I guess my concern about this is that it suggests that regulatory program modifications that will be coming out of the cumulative effects assessment will all or mostly be subject to scientific investigation, permit review, and monitoring of those projects. There may be regulatory program modifications that have nothing to do with geomorphology.

**Dave Haug:** So, do you have a change of language?

**Andy Dana:** Not really. I'm not exactly sure what this is designed to accomplish.

**Jim Robinson:** The intent of this was to provide some guidance in the development of alternatives, and that guidance would be based on geomorphic channel types and pre-existing conditions out on the ground.

**Andy Dana:** If this is targeted toward development of alternatives—and again, we're recommending this to the Governor—I'm not sure what influence we're going to have on regulatory program modifications but more development of alternatives. If the intent is to influence the development of alternatives for cumulative effects analysis then why don't we start with, "Any regulatory program modifications..."

**Jim Robinson:** Perhaps rather than "any," maybe a word to insert is "potential."

**Andy Dana:** Why not, “in the development of alternative scenarios in the cumulative effects assessment process....” If that’s what we intend.

**Jim Robinson:** That sounds reasonable to me.

**Andy Dana:** That’s a complete change of emphasis, and I’m not sure if that’s what you want. I’m just completely mystified by where this is coming from and where it’s going.

**Jim Robinson:** One of the original things that spawned the Task Force was the dissatisfaction with the regulatory programs. And so, in developing alternatives for examination of the cumulative effects assessment process, one alternative that could be considered are regulatory program modifications.

**Andy Dana:** So now we’re back to program modifications. Do we need to limit it to cumulative effects assessment?

**Jim Robinson:** You mean, considering regulatory program modifications in the absence of cumulative effects assessment. Yeah, I think, listening to Allan it looks like we’re not going to have a cumulative effects assessment process for quite some time. So, one potential alternative would be to consider regulatory program modifications. Another one would be, for example the permit credits that you discussed last week. Again, this is simply to provide basis and direction for the Cooperative Agreement group. The intent here was not to put words in the Task Force’s mouth, but simply to have some guidance.

**Dave Haug:** Andy, did you get the gist of what he wants to change there and are you comfortable with that?

**Andy Dana:** No. It’s not refined enough for me and I’m not sure if others have the same concerns that I do.

**Ed Schilling:** Let’s just go to Step 2 and see how people feel.

**Dave Haug:** With that, we’ll go to Step 2 and I’ll read the proposed recommendation: “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.”

Do we have any more comments or concerns from the Task Force? Okay, do we have consensus? *Several Task Force members indicated that they were not comfortable with this recommendation.* We do not have consensus; should we go back and try to change it, or should we just drop it?

**Andy Dana:** I wouldn’t be opposed to dropping it if people want that. I could also propose some other language.

**Dave Haug:** People are indicating that we should just drop this one and go forward. Ed is also comfortable with moving on. Let’s go back to #2, the recommendation that was tabled earlier.

**#2. Proposed recommendation by Ed Schilling, 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.”

**Dave Haug:** Do you want to delete the word “existing” from the language?

**Ed Schilling:** Please.

**Dave Haug:** Any other comments?

**Allan Steinle:** Why is it limited to the socio-economic investigation? Why not put in all of the Task Force studies?

**Jim Robinson:** The idea there was that the socio-economic investigation would shed light on local social values.

**Allan Steinle:** I agree it's important to have those things considered, but I don't think the recommendation should limit consideration to just that particular study.

**Bob Wiltshire:** I'm having trouble understanding this. "Significance thresholds"... maybe Duncan can help me because you're doing the cumulative effects work, correct?

**Duncan Patten:** I don't know what they mean by that, to be honest with you.

**Bob Wiltshire:** I can't understand what thresholds we're referring to that are going to be used in a cumulative effects analysis.

**Jim Robinson:** This really is technocrat-speak. It's about what sorts of things do bureaucrats use to weigh the wants and needs of a resource, versus the wants and needs of a community. So, I think the word "significance" may be the stumbling language there. In doing a cumulative effects analysis we're trying to assess cumulative effects, and to me that implies that there is a threshold—a significant threshold—beyond which the effect is adverse, unavoidable, irreversible, if you will. So, how do you define where that threshold is? Well, you use scientific investigation and you also use the values of the human community to try and determine where that point should be. Does that answer your question at all, Bob?

**Bob Wiltshire:** Yeah, that actually helps a lot.

**Scott Bosse:** I guess one concern I have here is what opportunity does the public, outside of the Task Force, have to offer their input on the cumulative effects analysis? Does that fall under state and federal statutes as far as the National Environmental Policy Act (NEPA)?

**Jim Robinson:** When the state or federal agencies undertake an action they are subject to MEPA in the case of the state or NEPA in the case of the federal government. Those statutes have a procedural requirement for public involvement.

**Roy Aserlind:** I really have no problem with this. I personally think it's very good. In saying, "the criteria for significance thresholds," as we have touched upon it in our discussions; I think we are going to reach critical thresholds although we can't see it now and we don't know it. But as Bill Moser has mentioned, there may be critical thresholds of pollution. There may be critical thresholds of population moving into the flood plains or just growing populations and developments that are above and beyond the floodways. I feel that "significant thresholds" will be reached, maybe not in two or three years, but maybe 10 years down the road here. In this case, I would think one of the best yardsticks to determine these critical thresholds other than the population itself—and I think I could refer this to as Duncan has stated before, critical thresholds have been reached on the Snake River down in Wyoming—and I don't think there are any scientific studies that said, "Hey folks, you've reached a critical threshold." I think that realization just comes from the population itself. They look around and say, "Oh my God, what have we got here?" I think in the cumulative effects analysis—and they will be projected at a point in space in time, the results that Duncan Patten and his crew come up with—there can also be interpolation from that.

Take a look at Copernicus—nobody realized the impact those discoveries would have. It was really quite interesting when it occurred, but generations later the impact of what he was saying finally came true and if I could make another aside ... with regard to the socio-economic investigation, I think that every single one of us would have to agree at some point that any critical thresholds are going to be directly related to socio-economic growth and the activities of people. My point is that I like the recommendation and I think it's a good one for when the time comes.

**Andy Dana:** I still have problems with this, because it assumes things about the cumulative effects analysis that we have no basis to pass a recommendation on. Jim, you explained your understanding of

what a cumulative effects analysis is. That may or may not be true. This is something that we never looked at as a Task Force at that level. So I'm uncomfortable directing a cumulative effects analysis to model a certain path because it might be counter-productive to the overall efforts. Similarly, I continue to be uncomfortable with this criteria for significant thresholds.

**Dave Haug:** Do you have any better wording?

**Andy Dana:** I'm uncomfortable making a recommendation about what goes into a cumulative effects analysis. Out of my purview I didn't hear anything about the development of a cumulative effects analysis other than Duncan's flow chart, but I don't know that's what the "cumulative effects analysis" is going to be trying to do. I guess the only other comment I would have is to echo Bob's comment and say do we need this? Is this something that really achieves anything meaningful? And if not, I do think that there is some harm in passing something that's self-evident, because it waters down the rest of the more substantive recommendations. I'm just thinking of the Governor looking at this and just going bleary-eyed. How would the Governor understand what we're doing here? How would any member of the public understand what we're doing here? So, I don't have language that would make this pass because I'm uncomfortable directing a cumulative effects analysis.

**Dave Haug:** Well, maybe then we'll move to Step 2. The proposed recommendation reads, "Criteria for significance thresholds used in the cumulative effects analysis should be based on state and federal statutes, local planning, and policy documents, and the results of the Task Force sponsored socio-economic investigation."

Any further comments from the Task Force? Do we have consensus?

*Several Task Force members indicated that they did not support this recommendation.*

We do not have consensus.

We will now move on to the next one; it's proposed by Steve Golnar and the City of Livingston.

**Steve Golnar:** I'm ready, but I'm going to change my tack here:

#5. Proposed Recommendation by Steve Golnar, City of Livingston:

"To encourage Park County to develop a free-span bridge to Ninth Street Island and to pursue such a bridge through the Department of Transportation's Adopt a Bridge Program."

**Dave Haug:** Actually this is similar to one I proposed that got shot down over additional things like safety. Any comments?

**Roy Aserlind:** It may be the kiss of death, but I like this one too.

**Bob Wiltshire:** I also like this. My only concern is that I'd like to see them look beyond the Adopt a Bridge Program, if those funds are not available.

**Dave Haug:** Okay, wording change, Bob?

**Bob Wiltshire:** Maybe after "program" I would add "or any other funding source."

**Steve Golnar:** I'm okay with that.

**Scott Bosse:** I'm showing the fact that I don't live in Livingston, but under "Solution for Ninth Street Island" #21, I believe Bob offered this language: implement a solution to achieve hydraulically balanced water surface elevation with little or no back water in the channel separated by Ninth Street Island and Siebeck Island.

**Dave Haug:** Well, actually these are two different bridges we're talking about. Other comments? Hearing no other comments, I guess we'll go to Step 2 on the proposed recommendation; it reads: "To encourage Park County to develop a free-span bridge to Ninth Street Island and to pursue such a bridge through the Department of Transportation's Adopt a Bridge Program or any other funding source." Any other comments or concerns?

**Jerry O'Hair:** Is there any ramification to the property owners below the bridge?

**Roy Aserlind:** Well, the existing site is probably a County-owned right of way and probably City-owned on the city side, but I don't see any ramifications for property owners there. The only possibility might be Tom Coleman at the nursery there. I suppose he would have an active voice in that.

**Dave Haug:** Actually I think it would be the opposite. I know before Coleman purchased the property, we (Park Conservation District) worked with the landowner and put in a semi-soft approach riprap project there, because they considered the piers and different things over there to be hurting the water and causing the problem. So, if the piers were taken out it might have more of a chance to go through there without causing problems. That was one of the considerations we had with that project for the greenhouse back there.

**Ed Schilling:** Why are we encouraging Park County to do this?

**Dave Haug:** I believe it's because Park County owns the bridge, right?

**Ed Schilling:** Is there a need?

**Steve Golnar:** The suggestion is that a free-span bridge be installed rather than the bridge with the piers because as Dave Haug said, with high water there is a build-up of debris along the bridge that always causes a potential for damage. There's also a challenge to boaters floating down the river and running up against the piers. The City would see a free-span bridge as less of a threat to public safety.

**Dave Haug:** I agree with Steve. I think there is a need based on safety. In addition, as you look at the bridge the one span has dropped down. How safe is that in the future? It's been stable over the last few years, but there was a layer on top added recently as a corrective effort and I'm not sure that was the right approach.

**Roy Aserlind:** Who bears the brunt of removing the large woody debris, the City or the County, every spring?

**Ed Schilling:** The County.

**Roy Aserlind:** Oh, well you should be all for this, then.

**Bob Wiltshire:** Aren't we in Step 2? Or are we still in general discussion?

**Dave Haug:** No, we are not in 2.

**Karl Biastoch:** To answer Jerry's question, if you take the piers out, the only thing that might affect the guy downstream is that you might increase the velocity, which could affect erosion of the land.

**Dave Haug:** Actually I do stand corrected. We are in Step 2 on this. So comments and final concerns should be from the Task Force, only.  
Do we have consensus on this?

**Michelle Goodwine:** I would like to say that I support this because there is no other bridge in Park County on this river that turns over so many boats as that bridge. So for safety and because that bridge has been a problem for so long, I'd really like to see something positive done there. Even when the woody debris is removed, that creates a terrible safety hazard for the person on the backhoe.

**Dave Haug:** So do we have consensus on this? I am seeing everyone in agreement, so I believe we have consensus on this.

## Recommendation      Passed by Consensus

**“To encourage Park County to develop a free-span bridge to Ninth Street Island and to pursue such a bridge through the Department of Transportation’s Adopt a Bridge Program or any other funding source.”**

Do you want to go on to the next recommendation?

**Steve Golnar:** I’m going to continue going backward. It just seems to be easier.

#6. Proposed Recommendation by Steve Golnar, City of Livingston:

“That a grant writer be employed by the State Fish, Wildlife and Parks Department, the Governor’s Office on Economic Development, City and County to pursue funding for projects of joint interest. That the grant writer be paid on a percentage basis of grants secured and that the effectiveness of this approach be tested on a trial basis of six months.”

**Dave Haug:** Comments on that one?

**Bob Wiltshire:** I guess I’ll start first with a comment. I don’t think that six months is nearly long enough. A lot of grants can take you six months from the time you write it until the time you’re notified if you got it, so I would like to look at part of that. The other question I have is there a particular reason, Steve, that you identify the Governor’s Office on Economic Development?

**Steve Golnar:** Just because it’s a different group of people that are being represented and not bringing in as much money. I would be open to adding to that, but my concern would be that we wouldn’t want to go too large.

**Dave Haug:** Do you have a time frame you’d like to change that six months to?

**Bob Wiltshire:** I guess my question would be, if this person is going to be employed on a percentage basis, what difference does it make? If they can’t write an effective grant they never collect a paycheck; so from that perspective, I say why put a time limit on it at all?

**Duncan Patten:** The question that I would raise: this person is writing grants pursuing funding for projects of joint interest...on what? The Yellowstone River? The Grand Canyon, maybe, I don’t know? What’s the proposal about?

**Steve Golnar:** That was intentionally left broad. It does affect the Yellowstone River but I think there’s potential for other community needs also. It depends on what the needs are of the community as a whole.

**Duncan Patten:** Doesn’t that go beyond the Task Force?

**Steve Golnar:** Yes.

**Dave Haug:** I think I’d agree with Duncan. I think maybe we should limit it to what we’re really here to address, the Yellowstone River.

**Bill Moser:** This email didn’t get out today but you do have a copy of it. Anything that’s going to take the taxes off of the backs of the people that live here is going to affect the entire river basin. So if somebody comes up and says, “We want to have walkways on the sides of a bridge.” And, that’ll take \$100,000 to put walkways or a walkway. If this can be done with a grant it affects the river, the city, the county, numerous things that this would help could be developed. By going with different groups, working together, the void space that a person has between the time they apply and the time they get some type of response could be filled going for other grants. And, nobody’s carrying a great big burden financially for something that may or may not work.

**Scott Bosse:** As far as I know, I don't think you'd have a state employee who's a grant writer being employed on a percentage basis. I might suggest getting rid of that clause in the second sentence.

**Steve Golnar:** I read what you're saying there but the intention is not to have that be a state employee. It was intended that the individual be employed by a number of organizations. It would be a contract relationship, I would expect.

**Andy Dana:** I don't think you explained why Fish, Wildlife and Parks is mentioned.

**Steve Golnar:** It was river related. I think that, as I said earlier, if there are other groups that the Task Force would like to include—I would hesitate to go too big. And instead of saying, "a grant writer be employed by..." why don't we say, "a grant writer be contracted or engaged by..."

**Dave Haug:** What about the scope? Do you want to change anything to point towards the river, instead of a new high rise in downtown Livingston?

**Steve Golnar:** I think there may be potential for projects that may be of community interest and value, that may not necessarily be directly related; and I guess the question there is one of priorities and direction, depending on whoever's employing them.

**Dave Haug:** Personally I think they can take off on that tangent at some other point; but I think for our representation, we should possibly stay within what we were sent here to do.

**Steve Golnar:** Do you have recommended additions to the wording here?

**Dave Haug:** Maybe after "joint interest" add, "on the Yellowstone River"

**Duncan Patten:** "Pursue funding projects related to the Upper Yellowstone River."

**Steve Golnar:** Yes I'll go with that. We could extend the term; Bob, you suggested that that was needed.

**Dave Haug:** With that let's go to Step 2 and I'll read the proposed recommendation, "That a grant writer be engaged by the Montana Department of Fish, Wildlife and Parks, Governor's Office on Economic Development, City of Livingston, and Park County to pursue funding for projects of joint interest related to the upper Yellowstone River. That the grant writer be paid on a percentage basis of grants secured and that the effectiveness of this approach be tested on a trial basis."  
Any further comments, Task Force?

**Jerry O'Hair:** My conservative nature really balks at this. We've already spent a lot of money and I have a problem with continuing to spend money on something that isn't the Task Force's problem.

**Dave Haug:** Do we have consensus on this or not?

**Jerry O'Hair:** I am going to stand aside on this one.

**Andy Dana:** I am also going to stand aside on this one.

**Dave Haug:** Okay, this recommendation reaches consensus.

**Recommendation Passed by Consensus**

**"That a grant writer be engaged by the Montana Department of Fish, Wildlife and Parks, Governor's Office on Economic Development, City of Livingston, and Park County to pursue funding for projects of joint interest related to the upper Yellowstone River. That the grant writer be paid on a percentage basis of grants secured and that the effectiveness of this approach be tested on a trial basis."**

**Dave Haug:** Do you have any further ones?

**Steve Golnar:** This is really in replacement for a previous recommendation that was up there:

#7. Proposed Recommendation by Steve Golnar, City of Livingston:

"In a follow-up to the Riparian Trend Analysis of January 7<sup>th</sup> 2003, that a river migration study be undertaken measuring the potential for river channel change between the Livingston Ditch and I-90, streambank meander because of erosion "soft spots" and identifying river migration prevention measures which could be implemented on the west bank reach of the Yellowstone River to prevent flood damage to the Livingston urban area."

**Dave Haug:** Comments on this one?

**Scott Bosse:** Steve, I was wondering what you mean my streambank "soft-spots"?

**Steve Golnar:** Yes, I'm just trying to identify potential places where the river could change course.

**Scott Bosse:** What about measuring streambank erosion?

**Bill Moser:** If Dr. Dalby were here, he would probably say that the correct word would be "meandering." I might also comment that through infrared satellite photography this project is probably pretty simple to do.

**Dave Haug:** Are you planning on implementing something beyond the study, or do you just want a study?

**Steve Golnar:** The intention here is to first of all evaluate that; but the bottom line is to make sure we can protect the urban area from potential changes in the course of the river.

**Dave Haug:** You're going to work with the landowners? How are you going to get those people involved?

**Steve Golnar:** You'd have to work with everybody involved, but I think you have to start with a study of some sort.

**Duncan Patten:** You could put "potential for streambank meander because of erosion and identifying preventive measures," leaving out "river migration."

**Steve Golnar:** Okay, "potential for streambank meander because of erosion..."

**Andy Dana:** Are you concerned about meandering or avulsion? Meandering and erosion are generally slow processes, as opposed to catastrophic channel creation, which is an avulsion.

**Duncan Patten:** He's talking about soft spots, which implies a gradual erosion.

**Andy Dana:** He's implying to me an avulsion.

**Duncan Patten:** That creates a whole new channel.

**Andy Dana:** Absolutely.

**Steve Golnar:** I think the term that you use is probably more accurate.

**Duncan Patten:** Then it would be, "potential for river avulsion," not "streambank avulsion."

**Steve Golnar:** Okay.

**Duncan Patten:** Then take out, “because of erosion.”

**Steve Golnar:** You should leave “avulsion, and identifying...”

**Andy Dana:** I guess I just wanted to make sure that that was your intent. Because if you’re more concerned about a gradual erosion, this would not apply.

**Steve Golnar:** I guess I would be concerned by either one, because either one could have a catastrophic result. Having the river change channels would be a problem but certainly erosion could have the same effect.

**Duncan Patten:** “River channel change,” that’ll do.

**Steve Golnar:** Instead of avulsion, just put river channel change.

**Dave Haug:** But aren’t we crossing a fine line here? All of a sudden, we’re going to armor this river to the nth degree and it’s going to stay exactly here, even if we need a concrete liner?

**Steve Golnar:** Yeah, river channel change may be a bit strong. What I’m concerned about is the river changing direction entirely and meandering through the developed area.

**Dave Haug:** Should we just delete some of that language then, because it really is supposed to be addressing the threat to Livingston. I think if we get into identifying too much of this line, then we have someone who loses three inches wanting to riprap or put a concrete liner in there. This is my personal opinion.

**Steve Golnar:** How about if we do this? Should we add something like “extreme river channel change”? Why don’t we use “avulsion” then, even if I don’t know what it means.

**Dave Haug:** What about the channel migration? Avulsion, I don’t have a problem with, but channel migration is kind of a slow process; I’m concerned with how far we might go there.

**Steve Golnar:** So you’re concerned with identifying river migration prevention measures?

**Dave Haug:** Yeah.

**Steve Golnar:** Why don’t we say, “identifying extreme river migration prevention measures.”

**Andy Dana:** This reads a little bit like we’re identifying extreme prevention measures.

**Steve Golnar:** If somebody has a better word that’s fine. I was trying to address Dave’s concern.

**Jerry O’Hair:** What about the east bank?

**Steve Golnar:** I was trying to stay as specific as I could, so I just stuck to the west bank. If you just want to talk about the reach between those two points I’d accept that. The west bank would be the one that would affect the urban area.

**Jerry O’Hair:** Well I think when you fill out an application you have to take into consideration your neighbor across the river.

**Steve Golnar:** I would be willing to change that to, “the reaches of the Yellowstone River.”

**Scott Bosse:** I was going to suggest, “and identifying measures which could be taken to prevent flood damage to the Livingston urban area,” and get rid of the whole thing about extreme river migration prevention measures. Because that kind of precludes, possibly, other measures that involve relocating infrastructure—to take people and property out of harms way, and we’ve done that in other areas of our

recommendations. So, let's just, "identify measures which could be taken to prevent flood damage to the Livingston urban area."

**Steve Golnar:** I'm fine with that. Take "extreme river migration prevention" out.

**Scott Bosse:** I guess Steve, if I could address again exactly what you're looking for: "In a follow-up to the Riparian Trend Analysis presentation of January 7<sup>th</sup> 2003, that a river migration study be undertaken measuring the potential for river channel avulsion between the Livingston Ditch and I-90, and identifying measures which could be taken to prevent flood damage to the Livingston urban area."

**Steve Golnar:** That's what I was getting at but I think that sounds better.

**Joel Tohtz:** Steve, I'm just wondering why you're tying this new study to the riparian analysis?

**Steve Golnar:** That's just how it was brought to my attention—the meandering and the changing of the river channel was brought up, as I watched the cottonwood study video. This was just a follow up and they indicated that they needed to do more, put more information together, to really have a thorough analysis of what was going on.

**Allan Steinle:** Did they identify that reach as particularly prone to avulsion?

**Steve Golnar:** I think they identified that the river used to go behind Buttrey's in that presentation, at least that there were cottonwoods back there. And, that reach of the river is the upstream portion of the river above the urban area; and I identified that as a problem area.

**Joel Tohtz:** And one little detail, you're referring to the Livingston Ditch headgate aren't you?

**Steve Golnar:** Right, that's correct. I had some other words there too: "where the river intersects I-90," but I thought "I-90" was simple enough.

**Larence Siroky:** I guess I'd reiterate what Scott was saying, that a lot of times non-structural measures might be a solution to some of that. You can spend a lot of money trying to stop the river from moving and relocation, or moving houses might be more cost effective.

**Dave Haug:** Should we go to Step 2? I will reread the proposed recommendation, "In a follow-up to the Riparian Trend Analysis presentation of January 7<sup>th</sup> 2003, that a river migration study be undertaken measuring the potential for river channel avulsion between the Livingston Ditch headgate and Interstate 90, and identifying measures which could be implemented to prevent flood damage to the Livingston urban area." Any final comments by the Task Force?

**Andy Dana:** I propose taking out the first clause. I'm not sure that we really need that.

**Steve Golnar:** I'm fine with that as long as everybody knows where we're coming from. That kind of just adds some subtext.

**Dave Haug:** Do we have consensus on this? I believe we have consensus here.

**Recommendation      Passed by Consensus**

**"That a river migration study be undertaken measuring the potential for river channel avulsion between the Livingston Ditch headgate and Interstate 90, and identifying measures which could be implemented to prevent flood damage to the Livingston urban area."**

So do we have any other recommendations?

**Brant Oswald:** I think I would offer a couple of things. Actually one, I would like to thank Duncan for pointing out to me that—if we recall recommendation #36, the recommendation that I offered suggesting that MSU be the lead in a research and monitoring effort—it did not have any mention of funding. I think, sort of anticipating Step 3 that I would offer an alternative recommendation and then when we get to Step 3, we can delete the first one.

**#8. Proposed recommendation by Brant Oswald:**

“That the State of Montana, along with federal sources, fund an Upper Yellowstone Research and Monitoring program at Montana State University to enable MSU to serve as lead organization to coordinate efforts by the scientists, agency personnel to develop and implement a long-term research and monitoring program in the upper Yellowstone River study area.”

**Dave Haug:** Any comments on this?

**Tom Pick:** Yes I have a comment. I think it's a great idea. I guess I have a question. Looking at both of them in light of what has gone on to this date, whether the community is participating in this process, working with the scientists and agency people. At this level that's kind of left out, and it's not described how that involvement would take place. How would we address that?

**Duncan Patten:** I agree with you and I think that one could put in there “coordinate efforts by the scientists, agency personnel, and the community...”

**Brant Oswald:** Go ahead and change that.

**Dave Haug:** Any other comments?

**Andy Dana:** Just a question for Jerry. I guess my only unease with this—I guess I don't really have a major problem with it, but it's just spending a lot more money—suggesting that we do want to spend a heck of a lot more money on this. That is a different emphasis than the initial proposal. This proposes funding studies, as opposed to suggesting that Montana State University should be the neutral arbiter of studies that occur.

**Duncan Patten:** The reason that I suggested this to Brant is that the original statement was basically that MSU serve as lead organization to coordinate. The reason that I requested that some kind of funding come into that is that those who coordinate basically, and especially development of a long-term program and the carrying out of a long-term monitoring program takes more than just somebody trying to coordinate. Having been there before and having somebody say “Just do it on your own time.” It isn't going to happen. I hate to say it, I've given a hell of a lot of my own time, and I really believe in what you're doing but, if I get involved with this program I'd like to see something come down the pike – and it could be, and I hate to say this but it could be more from Washington and not necessarily state funding. That's putting it bluntly.

**Scott Bosse:** I just want to clear up some of the haze in the recommendation. A research and monitoring program was mentioned twice in this, so maybe we could put a period at the end after community; but if you think it's clearer the way it is then go for it.

**Duncan Patten:** No, because the last part is the process and the first part is the program.

**Roy Aserlind:** As you well know within a very short time this group will be history, and there will be a lot of recommendations hanging out there. I would like to see an addition to that saying, “and to assist in carrying out of the task force recommendations.”

**Bob Wiltshire:** Roy, I'd have to say that I would have a problem with that, because then it takes it out of the realm of research and monitoring and into the realm of politics and policy. Whereas, as I understand this, what we've talked about a number of times is that we go do this, and then 10 years later we go do the same things over again and don't monitor or look to see what really works and doesn't work. I thought that this was primarily science based. Is that correct?

**Brant Oswald:** I think my only comment is that I think that would be a separate recommendation.

**Roy Aserlind:** Well I will toss the challenge out to some good wordsmith to make a recommendation to some agency, some entity, some unit to help carry out this “advise and consent,” to help carry out the recommendations of this Task Force. I certainly would hate to see these ending up on the Governor’s desk and then put in a file somewhere and then, that’s it. Somebody says, “Well, what do we do with them? I don’t know!” So, anyway, perhaps this will be another recommendation.

**Dave Haug:** Well, with that then I guess let’s move to Step 2. The proposal reads, “That the State of Montana, along with federal sources, fund an Upper Yellowstone Research and Monitoring program at Montana State University to enable MSU to serve as lead organization to coordinate efforts by the scientists, agency personnel, and the community to develop and implement a long-term research and monitoring program in the upper Yellowstone river study area.”

Any final comments, Task Force? Do we have consensus then? Seeing none opposed, we have consensus.

### **Recommendation      Passed by Consensus**

**“That the State of Montana, along with federal sources, fund an Upper Yellowstone Research and Monitoring program at Montana State University to enable MSU to serve as lead organization to coordinate efforts by the scientists, agency personnel, and the community to develop and implement a long-term research and monitoring program in the upper Yellowstone river study area.”**

Any further recommendations?

**Allan Steinle:** No recommendations, but it was pointed out by George Jordan that what Roy’s asking for is probably already carried out by recommendation #38.

**Dave Haug:** I believe you’re right.

**Roy Aserlind:** But that is a stakeholder group and it would be my personal bias to see a university effort in these supportive efforts to the recommendations. And again, I think a stakeholder group might fall prey to the politics, policies, and the personal predilections of the individuals. I don’t know? Maybe this is subsumed under #38.

**Dave Haug:** Of course, I think in most cases the stakeholders, whether they’re watershed or something like that, probably would employ studies by MSU if anything’s possible.

**Roy Aserlind:** They’d have the funding, you think?

**Dave Haug:** If they come under a watershed effort, they can apply for grants like the Upper Shields up there. They can get the funding.

**Bob Wiltshire:** I have a new recommendation. Brant, did you have another one? OK this is a fisheries recommendation. We’ll start and then modify as needed:

#9. Proposed recommendation by Bob Wiltshire:

“New irrigation projects utilizing public tax dollars must incorporate fish passage and ditch screening.”

**Bob Wiltshire:** A comment on this, one of the major impacts on fisheries from irrigation is when the fish swim down the ditches and don’t get back to the stream. There are techniques available that can help alleviate those problems and I believe one of those is the taxpayer dollars being used for those irrigation structures that should be made fish-friendly.

**Dave Haug:** Personally I don't know. In a way it's a good thought, but on the other hand any little program or little diversion that's done there—you know the screening and the fish passage could cost more than the cost-share they get for the project—so I'm quite hesitant to agree with it along those lines.

**Bob Wiltshire:** Then I would say that they don't need to take that money. I object to my taxpayer's dollars being used to kill fish.

**Dave Haug:** Well in a lot of the cases, like in Livingston Ditch, we found and have been told by Joel Tohtz and other people that as the season goes on (toward the end of the season), if you incrementally reduce your flows the fish migrate out anyway, and there's very minimal fish-kill. We've looked at that fish screening out on the Livingston Ditch and there isn't a lot of significant fish-kill. I guess I'd ask Joel for his opinion on that.

**Joel Tohtz:** Every ditch is unique; I kind of like the spirit of what Bob is saying here; what I would suggest is that instead of saying "must incorporate fish passage and ditch screening" you might want to put in "must consider" those things. There are times when you don't want fish passage. There are times when you don't want to screen a ditch. Those times occur when all of the water is in the ditch and not in the stream, and we see that a lot, especially in the larger tributaries. That's just an idea.

**George Jordan:** I was just going to say that the intent behind this is actually in the long run going to save the taxpayers money. For example if, while the structure is being built it is deemed appropriate for good passage, it's a heck of a lot cheaper to put those passages in while you're building them than it is to go in and retrofit for it. We talked about Intake earlier. Right now there's a motion to address fish passage in an intake dam, that they're going to build for about \$10,000,000; and if they had put it in when the dam was built it would have been substantially less; so I think it's a good idea to, where appropriate, try to incorporate these measures up front.

**Burt Williams:** I was going to suggest in line with Joel's comments, since every irrigation project is somewhat different, change the language so that you incorporate fish passage when it's effective; if it's not needed, don't do it. Bob, do you want to comment on that – whether it's appropriate?

**Andy Dana:** I guess my question is how do you define new irrigation projects? If you have a major maintenance project is that considered a new irrigation project? Or retrofitting Livingston Ditch or something like that? I think you're getting into gray areas here; if you're completely redesigning something is that new?

**Dave Haug:** I think my take on what you would get from that is you could have anything, whether it's board cover in town here – and at that same time we'd be forced into, probably at our expense, doing fish passage and ditch screening. It could be a \$500 item that they're doing downtown here, is that your interpretation of that?

**Bob Wiltshire:** Well I would like to amend the recommendation and then I can address concerns maybe based off that. I would like to strike everything after "public tax dollars" and I would like to substitute "should incorporate fish-friendly construction and management as deemed appropriate by Montana Fish Wildlife and Parks." Joel Tohtz did get specific. I guess what I would say there is that I hope that language would help to clear up some of these questions. If the project was to put boards over the top of the ditch that needed to be screened for safety's sake I doubt that FWP would deem that it's necessary that fish-friendly actions take place in conjunction with that project.

**Dave Haug:** I think it just depends on whether you have Joel in that position or somebody else in that position – whether they would say, "you're replacing three nails over here and you'll get paid \$.50 for doing that, now you spend \$100,000 to build an entire canal to screen it, or take out the entire structure that's in there. I guess I'm still just real uncomfortable with the language.

**Bob Wiltshire:** Then I guess, Dave, I would challenge you to come up with some alternate language that addresses my concerns.

**Dave Haug:** I would be more inclined to go with the language that Joel started to propose, “should look at” or language like that; not necessarily “should incorporate.” What was your terminology?

**Joel Tohtz:** I like this particular wording, at least for me. I think there are ways to get around the concern that those small problems could be built into something you weren’t anticipating, and I also don’t see anything in here that says that if you’re doing a new irrigation project personally you have to pay for this. I think that it just states that new designs for irrigation will include considerations for fish.

**Dave Haug:** But it doesn’t also delete the possibility that you might be held responsible for a \$100,000 project, like the Livingston Ditch. If we took out the levy or whatever you want to call it, going across the headgate, we’re out of water. That’s a closed issue. Based on that, I definitely would vote against this.

**George Jordan:** I think the key word there is the first one. It says “new.” I don’t think the intent here is modifications or repairs to existing projects. Say you have someone who apparently irrigates off of the ditch and they decide that they want to pump straight out of the Yellowstone. That pump should have some type of a screen put on it. Or, somebody has a water right that they finally want to start using and so they build themselves a ditch, then that new ditch, if they’re getting Federal dollars, should be screened or at least determined whether or not screening is necessary. I think the intent of “new irrigation projects” is any new development and all the other stuff would be grandfathered in, unless an irrigation district has a burning desire to become fish-friendly; then I guess we could probably find money to help them out, if it were something that FWP were for. That’s how I read it: new irrigation projects, not modification or repair to existing structures.

**Dave Haug:** To me, we’re looking at the possibility of piping in behind the County Museum—you know, getting some kind of groundwork in there. So I think that the fish-friendly part of it could end up costing more than we’ll gain a year from a safety aspect.

**George Jordan:** Maybe it’s semantics, you know, like the County and the 310 project’s definition and my definition of project. Maybe we need to just find a new word there that works better.

**Dave Haug:** Do you have any comment on this Jerry? You’re affected by this also.

**Jerry O’Hair:** Yeah, I can see some real problems. Is your likening of public tax dollars to kill fish about, Bob, what happened last week up at Cherry Creek?

**Bob Wiltshire:** Yeah, absolutely.

**Jerry O’Hair:** In looking at this, if we have a situation out there in the Park Branch Canal and we do some pretty major work up there and that might be considered new projects depending on who might be making the determination.

**Bob Wiltshire:** Offer me a definition.

**Andy Dana:** No. I don’t think it’s workable as it is, and I don’t have an alternative.

**Bob Wiltshire:** Then I would challenge—I mean, this is our last night.

**Andy Dana:** And I don’t need the challenge.

**Bob Wiltshire:** So you’re saying our ground rules that we adopted from our very first meeting no longer matter because you choose not to offer an alternative?

**Andy Dana:** No, we table things all the time because they’re just not realistic—there’s not going to be a realistic chance of consensus. I don’t have an alternative that’s going to make this work.

**Ed Schilling:** And looking back at two recommendations that failed on my side, I didn’t here a counter back from you on those that would have made them more agreeable.

**Bob Wiltshire:** Did you see me stand in the way of either one of those recommendations, Ed?

**Ed Schilling:** No sir, but you didn't help any.

**Bob Wiltshire:** I do not have an obligation to offer an alternative to something that I don't oppose. I worked very hard to try and find an alternative when Jerry wanted approval for the Healthy Forest Initiative. I worked very hard to try to find an alternative language. Other people rejected that one.

**Ed Schilling:** You might want to talk about healthy forests but when you go out of here tonight you might want to look at the Crazyes.

**Bob Wiltshire:** I offered an alternative. I lived up to the obligations of the Task Force.

**Andy Dana:** Bob, we've all been here for a long time and there have been a lot of proposals that have died because they just won't reach consensus, and we haven't offered alternatives on all of those. We do have ground rules but the way this process has developed it just hasn't been required that we offer alternatives if there is a significant portion of people on the Task Force who don't agree with it.

**Dave Haug:** Here's a possibility of something, "should look at fish-friendly construction and management" and then somewhere put in "if funded by Montana Fish Wildlife and Parks."

**Bob Wiltshire:** I have a problem with that because the project is already being funded by tax dollars or it wouldn't be triggered

**Dave Haug:** A portion of it would be possibly. Most of the projects we look at are cost-shared. A percentage possibly being contributed by some grant or tax dollar and then all of a sudden you have a 100 percent of fish passage. You know this one thing that I have a problem with is that screening in the fish passage could easily cost multiples of what some little project. So what it's getting back to is eventually probably shutting down these ditches because they don't have enough money to come up with money to do the screening and fish passage. I don't think that too many of us, well personally I don't think I would be opposed to it, if the funding is there to do it. But if we all of a sudden have to come up with the funding to do any little thing we want to do or get cost-share on, I guess I would definitely vote against it.

**Bob Wiltshire:** I guess I don't understand how I can better define the word "new." If somebody comes in and they want to cut a new point of diversion on a water right onto a new ditch system why can't we tell them that that new ditch system needs to be fish friendly.

**Dave Haug:** So basically you're not going back on any existing ditch?

**Bob Wiltshire:** This is new irrigation projects.

**Dave Haug:** New projects, though can term a new culvert in behind the museum. That's a new project.

**Duncan Patten:** Structures?

**Andy Dana:** Structures wouldn't work. I mean look at what Jerry's doing up on his canal where he's had to redesign it three times now or something with different structures recommended—required by the public agencies.

**Bob Wiltshire:** Which is why I didn't put the word "structures" in. To me a new project is when somebody new comes in and wants to start irrigating.

**Andy Dana:** The point, Bob is that if look at a particular ditch that is non-functional and you have to do a new project to reclaim that ditch to make it functional then you are going to be requiring fish screening or fish-friendly technology. I can't sit here and say a new irrigation project is not going to consist of a new point of diversion.

**Duncan Patten:** Let me just ask Bob – this may be too much pabulum for just rewording this but at least it's the sense of what you have, and that is "that new irrigation projects should consider fish-friendly construction and management in their design." Everybody, I would assume, would agree that we don't want to do away with the fish, we want to do fish-friendly, and we want to consider these things. It doesn't mean it has to be, but that it should be considered in the design. Is that something that's tolerable to the people who don't want this statement that it "should be incorporated"?

**Andy Dana:** That would make me feel better.

**Allan Steinle:** Another alternative would be to add a sentence just noting very plainly that "existing projects and modifications to existing projects are exempt from this recommendation."

**Bill Moser:** I was going to say the same thing, something to the effect of being grandfathered in.

**Bob Wiltshire:** I thought that what Duncan articulated is good; I agree there's not a lot of strength there. If we could get consensus on that, it does at least get something on the record that says that we're not in favor of sending fish down ditches.

**Duncan Patten:** New irrigation projects should consider fish-friendly construction and management in their design.

**Bob Wiltshire:** I'm happy with that.

**Dave Haug:** Jerry are you okay with this? Okay, let's move to Step 2; I will read the recommendation, "New irrigation projects should consider fish-friendly construction and management in their design." Any further comments by the Task Force? Do we have consensus on this? Seeing no objections, we have consensus.

#### **Recommendation Passed by Consensus**

**"New irrigation projects should consider fish-friendly construction and management in their design."**

**Bob Wiltshire:** I would just like to say thanks and we can find common ground.

**Dave Haug:** How many more recommendations do we have? Okay, Brant.

**Brant Oswald:** This is one recommendation that I thought, since this is our last meeting I'd like to introduce this just to make sure that we at least have some discussion on it. I'm sure Allan will have some comments for me on it. I think this is an issue we've talked about before:

#10. Proposed recommendation by Brant Oswald:

"The US Army Corps of Engineers conduct a public scoping process prior to the development of the SAMP for the upper Yellowstone River."

**Brant Oswald:** Again I think there had been some concern by members of the Task Force and I know John has voiced it several times, that the Task Force process wasn't the scoping process. I guess that's where I'll leave the discussion. Now I'll just invite some comments on what sort of scoping it will be.

**Allan Steinle:** Well, you guys know that Mike Gilbert is our project manager for the SAMP and what he's been telling me is that the SAMP is more of a process than a project. Mike kind of sees this divided into a three part process: the first is working with the Task Force to get the studies done; the next being a cumulative impact investigation; and then the final step being the development of an environmental assessment which would include alternatives. I don't know that we're going to come out with something that says SAMP on top of it; and during the environmental assessment process I think there will be opportunities for scoping. So, in the context of the process Mike is using to develop the environmental assessment, I don't know what this step means, although I certainly understand what the intent is.

**Scott Bosse:** This is a serious concern of mine as well. What I might suggest to address what Allan just said is perhaps change it to “the Corps of Engineers conduct a public scoping process prior to developing a range of alternatives to the upper Yellowstone River SAMP.” I’ve corresponded several times with Mike on this and I keep hearing back, “If you want to provide us with your input do it through your Task Force representative.” This Task Force has disavowed being a proxy for public scoping on numerous occasions and it seems very clear to me that the Corps needs to hear from this Task Force exactly that, in a formal way, that the public needs to provide input so that when the Corps develops alternatives they consider things beyond what this Task Force has recommended.

**Allan Steinle:** I believe what Mike told you was that the citizens would have various opportunities to provide input, one of them would be through the Task Force. There will be other opportunities.

**Joel Tohtz:** What does SAMP stand for? Is SAMP a plan?

**Allan Steinle:** Yes it is. This is only SAMP I have been involved in, and will probably be the only one I ever will be involved in. I just got a copy of Mike’s study guide here. He refers to the SAMP as a process, not necessarily a plan labeled SAMP. The final product will be an environmental assessment.

**Burt Williams:** In my experience with Federal decisions there is an environmental assessment followed by a record of decision, and that’s a formal action by the agency. So, I would assume there would be a record of decision in this case, too.

**Bob Wiltshire:** I guess I would just say that the Corps might not think that this is necessary but I kind of like this.

**Andy Dana:** I agree.

**Brant Oswald:** Actually Carl’s comment is probably a good one. Instead of the acronym, why don’t we put “Special Area Management Plan.”

**Dave Haug:** Well, with that should we move to Step 2? The proposed recommendation reads, “The US Army Corps of Engineers conduct a public scoping process prior to the development of the Special Area Management Plan for the upper Yellowstone River.”

Any further comments by the Task Force? Do we have consensus then? We have consensus on this recommendation.

**Recommendation                      Passed by Consensus**

**“The US Army Corps of Engineers conduct a public scoping process prior to the development of the Special Area Management Plan for the upper Yellowstone River.”**

Any further recommendations from the Task Force?

**Bob Wiltshire:** I don’t have a recommendation but I really want to go on record as saying how uncomfortable I am with how fast we’re moving here at the end of this process. I know we’ve got various sorts of deadlines that are supposedly out there, but every one of these is supposed to be our last meeting to come in and give great recommendations that deserve to be heard. And, I’m also concerned that we’re not going to give the public enough time to get back to their constituents, or get back to their representatives to let us know what they think of what we’re doing. I’m just a bit apprehensive about how fast we’re rushing to conclusion on all this.

**Dave Haug:** I guess in response to that I would say that most of these comments and recommendations have been out there for a considerable period of time, other than these last ones, like tonight. We do have to at some point end. We could continue on week by week until the end of time and possibly pick up another recommendation or two, or a dozen each time, but as long as nobody has any further ones

tonight, tonight was deemed the last meeting for new recommendations unless we run over. So I guess with that I personally would be comfortable saying that the next Task Force meeting is going to be on Tuesday, August 19<sup>th</sup> and that will be Step 3 of the *Process for Formal Action on Task Force Recommendations*, here at 7:00 pm.

**Andy Dana:** One comment about the form of the recommendations. We're going to be developing these into a report for the Governor and, I think I mentioned this earlier on, some of them begin with "create" and some of them begin with "that a study be developed" and I just wonder whether we want to do some minor editing to bring them into some kind of a uniform presentation; so that we have a preface such as: The Governor's Task Force recommends to the Governor the following action. Then we will have them all consistent. It's a fairly big job to try to go through and make those edits, but I think it would be worthwhile. I actually did start to do that a little bit.

**Michelle Goodwine:** Andy, I think that's a great idea but since Step 3 may mean combining several of them maybe we could do it at that time, so that we don't spend too much time tonight doing that.

**Andy Dana:** I'm not proposing that we do it tonight. I'm proposing that in Step 3 we should think about time to do those minor edits and then – maybe before we get to the next meeting and Step 3 – have someone propose these edits in a red line formula so we can see what changes were made by the editorial process and then we can go through that and decide how to consolidate them.

**Ed Schilling:** I have a question for Liz. Have we received any written comment so far on these recommendations?

**Liz Galli-Noble:** Just the ones that you've received in hard copy. I think there have been as many as 20 that you've seen off and on over the past six months. But, as far as someone saying, "I read it in the newspaper and this is a formal comment about a recommendation." No, none so far.

**Ed Schilling:** I wonder if you would want to get together with the *Livingston Enterprise* tomorrow and put some kind of blurb in the paper that this deadline is coming up next week.

**Liz Galli-Noble:** I've already done that and you may have noticed that they sort of said, "...according to the press release..." I've emphasized that this is very critical that people know that this is the deadline, and I'd be happy to do that again tomorrow. I want to get a little clarification of what Andy just said. I don't think that it will be too difficult – especially if I had someone from the Task Force can give me some guidelines. I can go through these and start them all with the same words, and add an introduction sentence.

**Andy Dana:** Liz, if you want to take the first crack at that and then email it to me, I could take a look at that.

**Liz Galli-Noble:** Thanks Andy that would be great. If the rest of the Task Force is comfortable with that Andy, that's what we'll do.

**Andy Dana:** I would suggest making sure we have redline versions so that everybody can see the changes.

**Scott Bosse:** I have a pretty basic question and that is this. If no new recommendations can be made after tonight, what's the purpose of soliciting written public comment?

**Dave Haug:** I believe the purpose of the written comment is on the recommendations that have been proposed. The public has had the opportunity all along to come to Task Force members and these meetings. All the way along they've had a lot of opportunities, at this stage we have to cut it off, or otherwise it would be a never-ending process.

**Scott Bosse:** What I might suggest is that if you're going to solicit written public comment you should be prepared to act on those comments if you find value in some of those comments. Just because they

don't come to all these meetings doesn't mean they don't have some really good ideas. After you solicit written public comment you might consider having one meeting where you can actually incorporate some of those comments. I just don't see the value of soliciting those comments if you can't do anything with them.

**Andy Dana:** The Task Force constituents is a way they can communicate with their representatives, and the representatives can choose to act or not to act in Step 3, which is to modify, change, delete or act on existing recommendations; and so there is a substantive value from the written public comments. It's not designed though to solicit new ideas or new opinions about new recommendations. That was the purpose. We're sort of closing the process now, just like closing the hearing before the final vote. Legislators hear from the public all the time during that process.

Note: See *Attachment A* for summary of all recommendations that have reached consensus to date, and an explanation of Step 3 in the *Process for Formal Action on Task Force Recommendations*.

**VI. Schedule next Task Force meetings.**

**Tuesday, August 19<sup>th</sup>, 2003—Step 3 of the *Process for Formal Action on Task Force Recommendations***  
**Location: Yellowstone Inn**

**Dave Haug:** Well, I guess with that we'll adjourn at a couple minutes before 10:00 o'clock.

**VII. The meeting was adjourned at 9:58 p.m.**

## **Attachment A. Task Force Recommendations**

August 13, 2003

At their August 12, 2003 meeting, the Governor's Upper Yellowstone River Task Force took action on the last "new" proposed recommendation. Below are the 46 recommendations that have reached consensus. From August 13 to 18, 2003, the Task Force will accept public comment on any of the 46 recommendations previously adopted by consensus. Comments will ONLY be accepted in written form and may be sent to the Task Force office at: 5242 Highway 89 South, Livingston MT 59047, or via email at: [noble@ycsi.net](mailto:noble@ycsi.net); or fax: (406) 222-8538. All comments must be received no later than 5:00 pm on August 18, 2003.

At the August 19, 2003 Task Force meeting, Task Force voting members will discuss written comments received and begin Step 3 of their formal action on Task Force recommendations.

Step 3 reads as follows:

### ***#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 duplicate 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.*

## **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."

### 13. Recommendation 8/12/03—Passed by Consensus

"The Corps of Engineers conduct a public scoping process prior to the development of the Special Area Management Plan for the Upper Yellowstone River."

## **FINANCIAL INCENTIVES**

### 14. 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."

15. 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.”

16. 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.”

17. 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.”

18. 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.”

19. 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.”

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

“That a grant writer be engaged by the Montana Department of Fish, Wildlife and Parks, the Governor’s Office on Economic Development, City of Livingston, and Park County to pursue funding for projects of joint interest related to the Upper Yellowstone River. That the grant writer be paid on a percentage basis of grants secured and that the effectiveness of this approach be tested on a trial basis.”

**PUBLIC STRUCTURES**

21. 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.”

22. 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.”

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

“That construction of a flood control dam and impoundment on the main stem of the Yellowstone River not be considered as a potential management alternative.”

**NINTH STREET ISLAND SOLUTION**

24. 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.”

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

“To encourage Park County to develop a free-span bridge to Ninth Street Island and to pursue such a bridge through the Department of Transportation’s Adopt a Bridge Program or any other funding source.”

## **BRIDGES**

### 26. 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."

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

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

### 28. 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."

### 29. 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**

### 30. 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**

### 31. Recommendation 7/08/03—Passed by Consensus

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

## **FISH / FISHERIES**

### 32. 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."

### 33. 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."

### 34. Recommendation 8/12/03—Passed by Consensus

"New irrigation projects should consider fish-friendly construction and management in their design."

## **FUTURE SCIENCE / MONITORING / RESEARCH**

### 35. 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."

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

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

37. 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."

38. 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."

39. 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."

40. 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."

41. 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."

42. 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."

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

"Regulatory program modifications for activities that affect the upper Yellowstone River should be considered in the context of the Governor's Upper Yellowstone River Task Force scientific investigations."

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

"That a river migration study be undertaken measuring the potential for river channel avulsion between the Livingston Ditch headgate and Interstate 90, and identifying measures which could be implemented to prevent flood damage to the Livingston urban area."

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

"That the State of Montana, along with federal sources, fund an Upper Yellowstone Research and Monitoring program at Montana State University to enable MSU to serve as lead organization to coordinate efforts by the scientists, agency personnel, and the community to develop and implement a long-term research and monitoring program in the upper Yellowstone River study area."

**NEW STAKEHOLDER GROUP**

46. 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."