

Flathead Reservation Water Management Board Meeting Minutes

June 23, 2022 from 2:00-4:00 PM

In-person: Flathead Reservation Water Management Board Office
400 Main Street Southwest, Ronan, MT 59864

Virtual at Zoom Link: <https://bit.ly/FRWMB-Mtg-Jun23>

Board Members Present: Clayton Matt, Roger Noble, Kenneth Pitt, Georgia Smies, Teresa Wall-McDonald
(joined after Board adopted agenda)

1. Call to Order (Board Chair)

- 1.1. Opening Prayer
- 1.2. Attendance

2. Board Business (Board Chair)

2.1. Adopt agenda

Motion by R. Noble to adopt agenda as modified

Second by G. Smies

Vote result: Approved (4 to 0)

2.2. Approve minutes for May 26, 2022

Motion by K. Pitt to approve May 26, 2022 minutes

Second by G. Smies

Vote result: Approved (5 to 0)

2.3. Review of complete domestic allowance applications (Board-Anna Butterfield and DNRC-Ethan Mace)

2.3.1. Application recommendations

2.3.2. Board Action on domestic allowance applications

Motion by R. Noble to authorize Carr (Sandra), Fangsrud, Musser, Cunningham, Yarger
and Robbins

Second by K. Pitt

Vote result: Approved (5 to 0)

2.4. Sanders County Environmental Health Permitting (Sanders County-Shawn Sorenson)

- S. Sorenson, County sanitarian for Sanders County: I want to explain Sander County's well permitting program and would like the Board's input and guidance from the Board on our program pursuant to the compact. Sanders County adopted the well permitting program 2018

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Normal = Discussion, comment, and/or update

to address environmental setbacks. It doesn't have anything to with the allocation of water. The program only administers setbacks. The well has to be 100 feet from a drain field and other setbacks for environmental purposes. We don't get into the construction of the well. The county doesn't have county setbacks, we just administering and verifying state setbacks. We do this in Sanders County including in the portion on the Reservation. Want to make sure the well permitting program is compatible with the compact and ask if board would like us to continue this program on the Reservation portion of the county.

- C. Matt: In our Ordinance we don't have responsibility for setbacks. We are here for water rights only. Do your permits tell applicants that they are not getting a water right?. S. Sorenson: Yes, we tell them. We used to say they have to go do DNRC and now we say they have to go the Board.
- C. Matt: I encourage you to visit more with technical staff.
- R. Noble: I reviewed what you are doing. It is good work. If you would send a staff a copy too and they could cross check their applications.
- S. Sorenson: We don't want to assume that you want us to keep doing this on Reservation. We want to get your input and see if you think this has value. K. Pitt: I don't think the county needs our permission to do this. C. Matt: I agree its independent. I think it's good what you are doing. I encourage you to see what our process is and ensure that the info you gather is compatible. That might help the applicant.
- S. Sorenson: I appreciate your input and will make sure we that what we are asking for is compatible with the Ordinance.
- G. Smies: This is a mini well head protection program.
- C. Matt: I appreciate you bringing this forward.
- S. Sorenson: Thank you for the work you are doing. It's remarkable how quickly the board is up and running.

2.5. General Interim Process Items

~~2.5.1. Guidance needed on policy format~~

2.5.2. 60DF-Part A authorization letter overview

- A. Butterfield: We wanted to go over the authorization letter. We are using the letter the Board approved in May and tweaked it a bit. We are including language relating to their specific application and the provisions within which they must operate. We also made it clear, that authorization is not a water right and they need to come back and do Part B. I had problems with the printer and was not able to print the letter. I will email it to you.

2.6. Sanitation and Subdivision Act DEQ review

2.6.1. Overview and presentation by Kathy Olsen, DNRC

- K. Olsen: I want to describe how DNRC fits into DEQ process and how it has changed on the Reservation. This change affects a lot of different scenarios - if someone wants to subdivide, lift a sanitation restriction, or complete a boundary line relocation or family transfer. Off the Reservation DNRC does a review of current water uses and their plans for future water uses. We review what the applicant says about current water uses and we make sure they have a legal water right associated with that use. We review the future

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uses they are proposing and review the proposed uses against state limitations. We send that info to DEQ. If the combined use on parcels is going to be above 10-acre feet, they have to go through DNRC process and get a permit before they can subdivide. As I see it changing, the standards will be different on the Reservation. DNRC doesn't have the authority or knowledge for future allowed uses.

- R. Noble: This is a two-part process. One is the initial examination as to if there are water rights and the extent. The second part is an analysis of volume and how the proposed use relates to the Ordinance. K. Olsen: Yes, they would come to DNRC to make sure everything is in order with what they have now and then go to the Board for any future use.
- C. Matt: For existing rights, what records does DNRC use to produce the letter for DEQ? K. Olson: We review the DNRC water rights database.
- C. Matt: How detailed of a review do you do for existing rights? K. Olsen: We consult with the applicant and then go into database and confirm they have a water right compare that to how the applicant describes their use.
- C. Matt: So the letter is based on publicly available records? K. Olsen: Yes
- K. Pitt: Do you look if water is legally and physically available? K. Olsen: This is not a review of physical availability if use is under 10 acre feet. Once is over 10-acre feet or 35 gallons per minute, the permit process kicks in for a full review for availability.
- C. Matt: There are continuing discussions and dialogue about how to proceed. The technical staff need to have additional discussions. M. Schlichting: DEQ, DNRC, and tribal staff are continuing to have discussions about how to proceed.

2.6.2. Next steps

SEE ABOVE

2.7. Office of the Engineer Operations (Board-Anna Butterfield & CSKT-Melissa Schlichting)

2.7.1. IT Services recommendation

- M. Schlichting: The subcommittee of the board and state tribal technical staff conducted interviews with firms that prepare proposals.
- G. Smies: First Call, Kelly Connect, and Xodus were each professional and offered a similar sweet of services. We agreed to recommend Kelly Connect for several reasons. Their security protocols were the most robust. Their equipment supply list was most comprehensive, and we would get tech support services that would immediately meet our needs and for ramping up. There was a big difference in price but with Kelly Connect they provide the equipment (computers). If you subtract equipment the quote is cheaper than First Call, but in later years they are higher than other two.
- R. Noble: It was a unanimous decision to recommend Kelly Connect.
- K. Pitt: I've dealt with Kelly Connect for years and I am very pleased with them.

Motion by T. Wall McDonald to authorize the chairman to execute the agreement with Kelly Connect for IT Services.

Second by K. Pitt

Modification of motion by R. Noble to make sure the agreement includes a sixth

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computer that is capable of GIS work.

T. Wall McDonald agrees to modification.

Second by K. Pitt of modified motion

Vote result: Approved (5 to 0)

~~2.7.2. Website Services recommendation~~

2.7.3. Review Board Organizational Chart

- Board reviewed organizational chart
- K. Pitt: What if the board wanted to hire a water commissioner? M. Schlichting: Typically, water commissioners are hired through a contract instead of as a staff person.
- C. Matt: Are these positions tied to positions in the Ordinance? M. Schlichting: The only position tied to the Ordinance is in water engineer. We always anticipated that the engineer would need staff. This is what the DNRC and the tribes came up with as a potential organizational chart for meeting those needs. We threw this together as an option. A combination of other positions might be preferable. The board could combine the administrative and water specialist positions or have someone work into some of these positions with training. This is a basic chart and it's up to the board if they want to use it as is or combine positions.
- Arne Wick (DNRC): We modeled the structure after the DNRC regional offices and how those function. That was the logic on how we built this. The budget request to the state is informed by the market analysis associated with these jobs. There is flexibility to adjust under each of these. It ties to what we have in planning process for state funding.
- K. Pitt: What is the rationale for putting the water engineer off to side and having board manage staff?
- A. Wick: That is how the chart was formatted. We anticipated that the engineer would manage staff.
- M. Schlichting: The priority from technical team and Anna is the need for administrative assistance. I prioritized a job description Anna is currently doing. I have sent those to the HR subcommittee to review. And next week's meeting we can bring a recommended job description for the finalize.
- C. Matt: It would be helpful to list out the key functions under this org chart for each job description. Also, a subsidiary list of contractors would be helpful.
- R. Noble: Is the HR company going to do the search or will we advertise ourselves? M. Schlichting: For the admin position/compliance tech, we would do better advertising locally in local newspapers and with DNRC and tribal lists. When it comes to advertising for the hydrologist we might want a different approach and widening it to include the HR firm doing some targeted advertising to wider pools.
- C. Matt: Which of the positions on the org chart is tied to what Anna is doing?
- Ethan Mace (DNRC): DNRC would consider Anna a compliance tech. That work would be tied to the water conservation specialist on the chart, although DNRC has a specific compliance tech position.

2.7.4. Hire two staff ASAP (water resource specialist & administrative assistant or combination)

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SEE ABOVE

2.7.5. Public Comment on operations items

- No comments from audience
- No comments online.

2.7.6. Board Action on operations items

3. Other Updates

4. Next steps

4.1. Set next general meeting and location:

June 30, 2022, at 2pm virtual only

July 7, 2022, at 2pm in person and virtually

- R. Noble: We have received five applications for the water engineer positions. Ken, Teresa, and I will meet and develop review criteria. We should get together next week to start that process.
- C. Matt: As ideas develop do you want to circulate those to the board to see if we confer? R. Noble: Yes.
- T. Wall-McDonald: I could develop the initial cut of the screening tool with written defined criteria for screening the applicant and I can circulate that.

4.2. Choose meeting topics

5. Public Comment

- NONE

6. End meeting (Board Chair)

Adjourn at 3:05.

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