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MEMORANDUM

TO: Susan Cottingham; Jay Weiner; Sonja Hoeglund; Stan Jones, Bill Greiman, CSKT Negotiating Team; CSKT Minute Files
FROM: Joan Specking, RWRCC
RE: CSKT Minute Summary from August 27, 2008 Negotiating Session, KwaTaqNuk 1:30 p.m.
DATE August 27, 2008

Chair: Clayton Matt

Agendas (**Attachment 1**) were available.

1. Opening Prayer

An opening prayer and song was presented.

2. Introductions

Introductions were made around the negotiating table. A sign-in sheet was passed around. (**Attachment 2**)

3. Opening Statements

Chris Tweeten thanked the council for having them and said they are glad to be there with the progress they have made and to discuss the issues that remain to be resolved in the water negotiations.

Chuck Courville from the BIA said he was not sure what information Duane Mecham had so basically he will be taking notes but he thanked everyone for being there so the process can be continued.

Chairman James Steele said he did not have much to say at this point but welcomed everyone and said he appreciated the public participation and was looking forward to discussing the issues on the agenda.

Clayton Matt pointed out the agendas available for the public and welcomed the federal team chair, Duane Mecham who had just arrived.

4. Discussion of Unitary Management Proposal

Clayton said the Unitary Management Proposal was probably the biggest single legal item for discussion on that day. There was technical staff to give an update also. He said over a month ago the CSKT provided a copy for the U.S. and the State negotiating teams and made available to the public the first draft of the Unitary Management Proposal. Today they hope to continue with the great progress they have been making with technical work and with the Unitary Proposal. Of course they continue to believe they need more time not only for legal reasons but for technical reasons. He said they were ready to hear comments from the State regarding the Unitary Management Proposal. Although John Carter was not available, Rhonda Swaney was available for questions regarding the language.

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Chris Tweeten reported on the State's internal discussions regarding the Unitary Management concept which since the July meeting the RWRCC has been discussing with the other state agency groups in Helena. They have circulated the proposal to DNRC who sent them a list of questions and comments which the RWRCC has not had time to fully digest as they were received on Tuesday. He said they are looking at the questions and are prepared to respond to many of them which is significant progress as it is not uncommon for the comments from various agencies to come in late. DNRC Water Resources has done a good job responding in a timely manner. He said they will have an opportunity to look at those questions and discuss them at the next meeting. The RWRCC met with the administration and outlined the Unitary Management Proposal. The Governor's office is comfortable with the RWRCC proceeding with further discussions on Unitary Management. He said the Commission thinks they have made good progress internally with respect to walking the proposal around and getting comments on it.

Jay Weiner agreed it has been very helpful to have the excellent cooperation received from other state agencies and also the quality of product they received in the first instance from the Tribes; the amount of work that went into drafting the Ordinance; and the level of detail. The level of detail and review has been helpful for the Commission and staff; for DNRC, FW&P, the Attorney General's Office and the various agencies that the Commission has to work with, and so they really appreciate the effort the Tribes put in. What that also made possible is a fairly long list of questions that are coming back and circling around internally as Chris indicated. Those questions focus in several different areas. The Ordinance as it is intended to be Tribal Law to implement the Administration scheme they will recognize in the compact. So a lot of the questions that arise are questions about how that Ordinance will relate to whatever they put together in the compact. Looking at Article III in prior compacts with Tribes and federal agencies there is the big issue of quantifying the reserved right and how much water the Tribe or federal agencies have for reserved water rights. Article IV often deals with Administration. A lot of questions coming back to the RWRCC, especially from DNRC which is the state regulatory agency that they will work with on this are: for example, what are some of the things in the Ordinance in relation to how Article IV of the compact might be drafted? How do they plug in the full recognition of the Tribe's senior water rights with the commitment to protect existing uses? What do some of the terms in the Ordinance mean? Those are some of the things they are looking forward to sitting down and working through in more detail as they pertain to the Ordinance. Other questions have to do with the composition of the Water Management Board and the Commission team appreciates that in the second draft there is a proposal for the composition of that Board that reflects something the State is more comfortable with. Then there is the administrative question of who are the people who will be selected, where can they be selected from, what sort of personnel policies might be in place for the Board to hire a water engineer etc.? Those sorts of technical implementation questions are some of the kinds of internal questions they are getting back from other agencies, and will need to have further discussion on. He said it is exciting and very encouraging that they are engaged in these questions at this stage of the process and that they are focused on how they will be able to jointly create a system that not only recognizes the Tribe's significant senior water rights and protects existing water users on paper and in theory, but how it is going to work on a day to day basis. They all recognize, he thinks, that the predominate challenge they have is to make sure that the water that exists on this Reservation can go as far as it possibly can, because there are a lot of competing

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uses and they want to make sure that the water is being used responsibly and intelligently and its value is being maximized across the whole range of values that exist. That is a critical piece for figuring out how this can be done. So those are some of the questions that come up in the Ordinance and are implicated also by the compact issues. That segues into the technical legal items and gets them into the work that has been done on the Hydrographs and the flow data the Tribes have shared with RWRCC. He said his technical people could not be there, but he asked Seth if he could give an update.

Clayton asked what they would expect the Tribes to see next month from the RWRCC and he said the general comments today give them the general flavor of the direction they are looking. Jay said by the next meeting or before then at the legal level there would be a series of some questions, comments/edits to share with the Tribes so they would have substantive responses they could discuss. Potentially, he said depending on where they are on the analysis of flow data; potentially they could begin to discuss the inter-relationship with the administration article. Clayton asked if Rhonda Swaney or the Council Members had questions.

Ruben Mathias, Council member, thanked everyone for being there. Regarding (Jay) telling the Tribes about "responsibilities," he thinks they are all responsible; he said he would appreciate it if the State would talk to them on a government to government basis like this because they are not children and he does not want them to think that. He is just saying that is what he heard a little while ago. He is curious as to what the State has compromised to the Tribe that they have to negotiate things; all these people live there and they are trying to maintain a unity. He asks them to kind of place their words in a different manner because it does upset him when he hears things put that way. Jay said he heard what Ruben was saying and apologized if by talking about responsible water use Ruben heard it as somehow criticizing the Tribes, as that was not his (Jay's) intent. What Jay said he meant by that was in terms of how water is used on the Reservation and he thinks there are ways that some of the existing use can be improved. Ruben said certain people are the same as he is and they hear things that just sometimes bother them. Jay said he will certainly try to be careful about that and he wanted to be very clear about what his intent was; certainly one of the things they discussed and one of the things that was in the Tribe's original proposal to the RWRCC was about trying, for example, to enhance fishery flows and to look at operational management change to existing use on the Reservation. So when he talks about responsible water use that is what he is thinking in terms of and he was in no way intending to patronize or condescend and he apologized. Ruben said that was his opinion and he did not know how anyone else felt about it but he wanted to make that clear; so the audience would be clear. Jay said he appreciated that.

Clayton thanked Ruben. Duane said he, Chuck, and other federal folks were able to meet with the Tribe earlier that month and run through several litigation and settlement issues. They are basically in position to endorse the draft as a vehicle to move forward. He liked that Jay proposed they proceed to another level of specificity and would endorse that too. Being a federal employee he is often accused of being a bureaucrat and you might think a bureaucrat would be excited about creating a new agency; but it comes out of the will of the Tribes to seek a resolution that would fit for all residents on the Reservation. They endorse moving forward in that direction.

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Clayton said he appreciated the time spent in getting the Proposal to all the state agencies and he looked forward to getting comments and questions between this meeting and the next one. He asked that one of the state or tribal technical representatives give a quick update.

Chris Tweeten said it might be helpful to the audience for him to explain the process the RWRCC follows in developing issues the State can advance in negotiations. They are not in the same position as the Tribe which has their Council to endorse or reject or respond to issues; the State situation involves a number of state agencies such as the attorney general's office, the FW&P, the DNRC and the Governor's office. The RWRCC has a written understanding with these agencies that governs the way the RWRCC provides information and viewpoints to them and they provide input back to RWRCC. They developed these MOUs in response to the first Tribal compact with Fort Peck, in which the RWRCC, without consultation with those other agencies developed a draft compact which they proposed to sign on behalf of the State. At the last hour it was circulated and other agencies had substantial problems with what the Commission had done. So they set up a process with the other agencies to provide the RWRCC with input earlier in the process rather than later. He understands and respects the process the Tribes have to go through to proceed with decision making and would appreciate the same kind of understanding – the RWRCC sometimes lacks the discretion to make major policy decisions needed and have to take issues back to the other agencies – he understands it can be frustrating and appear to be an impediment to moving forward. He said they made substantial progress last month.

5. Technical/Legal Items for Discussion

Seth Makepeace reported on the technical team progress. He said they have developed a really good working relationship between the State, Tribes and federal technical teams and it is the same thing Jay expressed – that the technical team is also trying to work within the boundaries of protecting existing uses and solve this problem and understand how to funnel the technical information into the compact documents, such as quantification numbers in Article III, etc. and how to functionally and realistically implement this. As a reminder to everyone, one of the frameworks they work under is that existing verified uses on the Reservation will be protected. The Tribes put out to the State and federal teams a memorandum defining what that would mean in a hydrologic sense. Both the federal and technical team staff members agreed to what they would accept so what they are working through right now is how to take the hydrology that reflects the existing water uses on the Reservation and define it as a quantification – do they have average annual flows; what data and hydrology do they have to bring to bear on this? The Tribe for 25 years has collected stream flow data – they are putting that package together so they need to understand how to fit it into quantification or what they call the Level 1 Hydrographs. The state has put together an initial but very positive effort as to how they would implement all the competing needs – ecological, fishery, wildlife, wetlands, floodplain flows down the rivers etc., while maintaining the predominant use which is irrigation. They put together a little tool they are working on at a team level – how to forecast the hydrology based on snow pack and actually prescribe and implement stream flow hydrographs and also allow for diverse water use to exist as it has in the past. The remainder of the data will be sent to the State later next week. Before they can write a set of rules they need to see the spectrum of data. The State wants to be able to work with the full

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range of data and they will meet again on Sept. 15th and will work further on the Level 1 Hydrographs and implementing rules. He believes they would fall under Article IV, or Unitary Management. That has been the big thing now; getting all the data to the State – the permit verification process is also up and running and the State has people from the Kalispell and Missoula offices to field verify the water uses. There is ground activity going on there to verify permits. Those are the two big activities that are occurring.

Clayton said that might begin to partly answer some of Jay's questions, that they are moving rapidly toward trying to integrate the Administration, Ordinance, and Quantification and it sounds like in the technical arena conceptually there is a lot of movement with data, data elements, processes and protocol. There is a lot of work being done by all the parties.

Chris said there is a lot of work being done by the State; so they appreciate and are very pleased the work everyone is doing and emphasized that the RWRCC technical team is working to its capacity as well.

6. Question and Answer Period

Clayton asked for questions from the public and noted there was also a public comment item on the agenda.

Chairman James Steele Jr. recognized State Senator Carol Juneau in the audience.

Rory Horning asked if this was the only draft of the Unitary Management Proposal available. Clayton said the first thing the Tribe released in December 2007 was an outline and there is only one other draft so far. He asked if he is to understand that quantification leading to adjudication has begun on the reservation and that they are looking at wells and quantifying them. Clayton said the short answer was yes and that he would invite Jay and Duane to address it as well. The water rights negotiation process as well as the state adjudication process ultimately results in a quantification of every water right in the State. That technically has been an ongoing process since 1979. With regards to negotiations on the Flathead Reservation the State is "stayed" from proceeding from its adjudication process until the Tribal rights are quantified. In that process, to quantify the Tribal water rights in negotiations with the State, they have agreed to protect existing uses based on a verification process as one element of the initial proposal. They agree to allow for a review of the claims so an initial review is part of the Water Court process and has been ongoing on the Reservation for some time. In addition there are other existing uses based on certificates or permits. That process was the subject of negotiations between the Tribe and the State and that is what Seth was referring to when he talked about the MOU that establishes the process for reviewing permits on the Reservation. Ultimately the settlement will result in a quantification of the Tribal water right and an administrative process, but to protect existing uses they need to know what they are so they need to define and verify them; it's a way to "prove up" on the accuracy. Chris Tweeten agreed with Clayton and explained in general terms the process the Water Court goes through. Once the claims were filed the court was able to designate basin by basin where the next examination would happen leading to issuance of a preliminary decree. That work involved an effort by the DNRC to look at the claims and to some degree verify some of the claims to

make sure they accurately reflect what happens on the ground. That process is not an adjudication of the claims; only the Water Court can adjudicate those claims and provide a legally enforceable definition of the quantity of water involved in anybody's water right. What's happening on the Reservation is in many respects what is happening in basins across Montana once the claim filing period is over. Those rights have to be examined; discrepancies between what is filed and what appears to be happening on the ground is sometimes brought up with the water users and discussed with them and those kinds of disagreements can be resolved on an informal basis in the process of reaching a decree in the basin. They are doing a lot of work to examine and provide a technical understanding of how extensive the water uses on the Reservation are. They are not producing the sort of legally enforceable determinations of those rights.

Rory said he understood that and he had asked because recently speaking to the DNRC office in Kalispell they weren't participating at all due to the Supreme Court Ciotti case. He said he feels that if they are beginning to look at this and if the public is aware of it, it will make the job a little bit easier because he was at the last legislative session pushing very hard for them to receive funds to do this process because they agree it is hard to negotiate water rights if you don't know how much water there is. Chris said it is the Missoula DNRC office working cooperatively with the Tribe on this. DNRC is involved pursuant to the MOU Clayton mentioned that the Tribe and the State have for how the field data are going to be developed; so it is not like they are sitting on the sidelines and letting somebody else do the work; they are intensively involved. Jay noted that the Kalispell Regional Office is involved with claim verification and permit verification under the agreement. What the State is not doing due to the Ciotti case is issuing new water use permits on the Reservation. That is a very different thing than verifying claims filed in the adjudication which is ongoing both in 76L and 76LJ and it also different than what's being subject to permit verification in the agreement which is the ground truthing of post-1973 water uses which were those uses permitted by DNRC prior to the Ciotti decision. Rory said how unfortunate for a taxpaying business-person not to be directed correctly by a state agency as to whom to talk to when they do come in and he asked to be excused for not always being technically correct at all times.

Margie Hendricks: The City of Polson is approving hundreds of new water and sewer hookups. They barely have enough water to meet demand. How do the Tribes look at the City's activities approving future water and sewer hookups when there is no water right to cover those future water and sewer hookups?

Clayton said the technical part of this is complicated and the City of Polson is trying to deal with that. The practical reality is that the City has had some difficulties with some of their wells and he would direct questions to the City of Polson. The City is a water user and he presumes it would have a claim in the State of Montana system that would be reviewed as part of the process just described and its claims and permits would be verified and examined along with the other claims and permits on the Reservation. Chris Tweeten said to clarify, the Water Court adjudication is only to examine permits that were in existence as of 1973. Those subsequent to 1973 went through a different process that involved certain findings made by DNRC before the permit could be issued so the two are a little different. He does not know what has been permitted in Polson and what the City is claiming in the adjudication.

Oliver Dupuis said he has a secretarial water right and it comes out to be a 12 inch pipe full of water and he had to go to Kalispell and sign it up and it cost him over \$1000. He understands the governor said they might get some of the money back. Where does he go, and who does he go to, in order to get clarification...when they have a well and some water rights? Is a secretarial water right any good anymore? Who does he go to; where does he start – as an individual he'd like to know if he goes to Kalispell or the Tribal office. He went to the Tribal office a while back and they said he didn't have to do any filing. He doesn't think they are taken care of....that's why he went to Kalispell. He hasn't seen any money back yet. Clayton said he is welcome to come into the Tribal offices in Polson and review the information they have and they can work with him and try to assure him about what that means relative to the Tribal negotiation process. If they can identify that he has some filings with the State of Montana also, which it sounds like, then they can get him in contact with the appropriate State people and help make those phone calls for him. With regard to the secretarial water rights, he thinks that they are evidence of an existing use and they would have to look at his particular facts to determine exactly how that will play into the negotiations or a claim he has with the State. He asked if the State or federal team had anything to add. Chris Tweeten said secretarial rights are not really a State issue but more of a federal issue. Clayton said they should be able to identify what Oliver's claims are. Chris said they should show up in the State roster. Duane said his understanding of the secretarial water right is an indication or evidence of water use to be brought into the verification process.

Rory Horning said there are secretarial water rights held by non-Tribal members and thus he assumes they fall into State representation. Are they in the State roster Chris is talking about or are they not because he has clients who will be interested. Chris said it depends on whether they were filed in a timely way in the water adjudication. There was substantial publicity in the 1980s about the obligation of water users to file in the Water Court any claims they wanted included in the final decree. If Rory's clients filed by the 1983 deadline those claims would show up in the list of claims filed. If they were filed they will not show up in the Water Court proceedings. Rory said people assume, maybe wrongfully so, that secretarial water rights filed predate just about everything except the Tribe's water right and therefore their question is why did they have to go down and go through a process, or did not the federal government continue to honor its obligation. He has seen some of the documents – he is asking if they had to file and if they didn't are they now in question or are the secretarial water rights automatically something that goes for Tribal members? Chris said he would have to talk to someone on the federal side. He said anybody who had a water right of any kind that they wanted to have included in a final decree had to file on it. What is going on is general stream adjudication and that means that all the water rights in a particular basin are part of the lawsuit as long as they were brought in by the filing of a claim. The Water Court goes through all its filings, objections, etc., and ultimately issues a decree setting forth by priority order and amount all of the water rights in that basin. He does not know how litigation regarding secretarial water rights would turn out. That is the status of things right now. If there is a question about secretarial rights someone needs to do some research and see if they were filed.

7. Other

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Chris noted that they have not yet talked about the integration of the Hungry Horse water into their discussions and how water from that storage might be used to solve some issues in the negotiations. As the Tribes are aware there is a mega lawsuit going on in Portland dealing with the Columbia River basin endangered species. The State of Montana is a party to that litigation and the Tribes are discussing being a part of it. That is a vastly encompassing lawsuit that would reach all the way up to the headwaters and Canada and Bob Marshall Wilderness. Downstream basins could be interested in bringing water down from Hungry Horse to provide more water for salmon. There is a lot of information being developed in a parallel fashion to what they are doing in the negotiations. He said they are looking forward to how Hungry Horse fits into these discussions but they will probably have to deal with a lot of other parties in talking about that issue before anything will come of it in negotiations; that is sort of the status report.

Duane said the federal side is on track to come to the September meeting and provide significant information about Hungry Horse that would include a presentation of modeling runs that the BOR has done. They operate the reservoir and have evaluated its use for this settlement purpose. He would also propose they could provide background on the dynamics of the lower river and get it into the specifics of the operational obligations Hungry Horse has under the Endangered Species Act and the implications of using Hungry Horse considering existing federal obligations. Clayton said the Tribe is very aware of the modeling going on as they have discussed it for a couple months and are looking forward to the BOR presentation at the September meeting. That is the piece this group is involved in relative to Hungry Horse. The Tribe is very aware of the litigation and the buy-out and is monitoring both of those and how they will fit together. Chris noted that Jay Weiner is working part time for the Attorney General's office and is splitting time with the Compact Commission and that one A.G. assignment is to serve as co-counsel in the lower Columbia basin litigation which will give him an opportunity to keep an eye on what is going on and how the negotiations will fit in.

Chairman Steele mentioned support for the bill to extend the sunset of the Compact Commission. Presently they have a letter of support from the Joint Board of Control and they are appreciative of that; they have a letter of support from the Clark Fork Task Force and Gerald Mueller; they have a letter of support from the City of Polson and Carol (Lankford) was able to attend the last State Tribal Relations Committee meeting and the Commission was on the agenda. He believes there was some letter of support that came from that committee. Also the Tribe has sent letters to Flathead County, Lake County, Sanders County, Missoula County, Ronan, Hot Springs and St. Ignatius. They have had a response from Flathead County and they will be looking for some time to get on the agenda to discuss this. They are moving forward with this list of political support. They got pretty resounding and clear answers from Chris and the State and the State is opposed officially to an extension of the sunset of the Compact Commission. That is the basis they are moving forward with to garner political support but they will not know what the legislature will look like. He visited with Hal Harper and some of the Council and other staff have visited with Hal Harper on previous occasions just to gage where the governor is; of course the election is going on so the administration is trying to hold their cards close but neither the governor or anyone in this room has any idea what the legislature will look like for the next session. The negotiating parties could agree on everything from here to the moon but you never know the composition of the legislature. It is prudent from

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the Tribe's side – they want to at least meet with NGO's (non-governmental organizations); they met with the realtors from Kalispell and he said that was a good meeting. Irregardless of what happens they are building up their dossier of support as they approach the next legislative session. He attended the meeting Duane mentioned as a litigation strategy session and for the public's knowledge, they are not sure whether they will be granted an extension to the sunset so the Tribes in particular and the feds (and he is sure the State is doing what they need to do likewise), are preparing for litigation while they are in the middle of negotiation which makes for an interesting quandary because it divides up their resources. They are doing their best to focus on negotiation but must have one hand on litigation because if the sunset happens they all have six months to file their claims and everyone else on the Reservation with a claim has the same amount of time to file. He said the main thing he wanted to do was to update the public and Commission that they are actively going to various entities and NGO's along the way. Chris said he didn't have anything to report from the executive branch of State government with respect to extension but he wanted to clarify that water rights on the Reservation derived from the Tribal right have been exempted from filing up to now and would be obligated to file within that six month period after the negotiations terminated. Anyone else who claims a water right based on state law will have had to file by the filing deadline in 1983; they don't have to make another filing or have an opportunity to make another filing if they missed the deadline. The six month deadline only applies to Tribal water rights. The reason for that distinction is the legislature wanted to encourage resolution of these issues by settlement rather than by litigation so they decided a Tribal government or federal agency who wanted to negotiated would have their claim filing exempted from that 1983 deadline and they would have an opportunity to negotiate. If negotiations did not bear fruit the Tribe or agency would have six months to file.

Clayton thanked Chris for the clarification and said Chairman Steele was pointing out that the negotiation process in Montana has been a way of settling not only the Tribal right but the differences between the Tribal rights and the non-Tribal rights within the boundaries of a particular reservation. That is true here; should negotiations fail or are terminated because the Compact Commission sunsets then they go to court that means the Tribal right is then settled in Montana Water Court – so that process will include everyone.

8. Public Comment

_____ Listening to the discussion her understanding was that the individuals on the irrigation project may not have to file a claim because the federal irrigation project filed the water right claim for them – she asked if they were misinformed. Chris Tweeten said he didn't think so. Alan Mikkelson said both the JBC and the BIA filed water claims for the irrigation project.

Robert Perrot Sr. Asked if the parties have to have a negotiable compact in place by the deadline but not finalized by the final date of 2009, or does it have to be a finalized compact by then? Chris said July 1, 2009 is the final date the Commission's authority to negotiate on behalf of the State expires. It is their view that they don't have to have a compact ratified by the legislature or Congress by June 30th, 2009. If they finished a compact by that date it could be taken to the legislature in 2011 and ratified. The fact that the Commission's authority runs out would not affect the ability of the legislature to take that issue on and finalize it. From the Commission's perspective in the unlikely

event that they don't have a compact or the Commission doesn't get extended they would have until the 30th of June to work out a deal all parties could sign for submission to the legislature. The legislature and Congress would ratify it or not and how problems would be addressed in that scenario is unclear.

Rory Horning: (?) He said he's fascinated that Mr. Weiner is quite excited about this document. He said he would say this with all due respect to the people sitting up there because they have allowed the public to have communication - he finds that the document is unworkable and it will negatively impact the values of the property on the Reservation. He understands negotiations; he understands that you start from a way far away place then you expect to end up and he hopes that at the next meeting they will do a little bit more than put forth rhetoric as to how they will deal with this. He understands what they are trying to do but hasn't yet heard how they are trying to do it and he thinks it is something they need to say to the residents of the Reservation because as they read this document they aren't sure what the parties are trying to do. There are points here which are very touchy.

Clayton thanked the public for their comments.

9. Set Next Negotiation Date

Duane said looking out ahead; he has a conflict on the 29th of October. He proposed they go to **October 22nd** which would be 4 weeks from the September meeting. Looking into November and December the fourth Wednesdays would be right before holidays so he asked that they meet **November 19th and December 17th** which gets them a little away from the holidays and keeps them on a regular schedule. Chris said that would be fine. Regarding the September meeting, there is a Public Land Law Conference the 23rd and 24th of September in Missoula, so he asked if the next meeting could be moved to **Thursday, September 25th** to allow everyone to go to the conference. The Federal and Tribal teams were okay with that; and for the November and December meetings they tentatively approved the dates Duane suggested and said they would get back to the others with a formal approval. The times were not decided - Duane said the mornings would work best.

10. Closing Comments by the Negotiating Teams

Chris said hopefully they will be able to come back in September and report on some more significant progress. Clayton said they also look forward to continuing the progress. If there are legal team opportunities to proceed with comments before the next meeting they would look forward to that also. He thanked everyone for attending.