

## Flathead Reservation Water Management Board Meeting Minutes from February 10, 2022

*Ronan Community Center*

- 1 pm – 3rd meeting of the board called to order by board member Roger Noble, meeting chair of the 2/2/2022 meeting.
- Opening prayer/invocation by tribal elder, Vernon Finley, via zoom.
- CSKT staff, Melissa Schlichting, asked attendees to respect social distancing and other covid-19 safety protocols.
- Board members announced themselves present in a roll call by Arne Wick (State of MT) to document attendance:
  - Clayton Matt (in person)
  - Georgia Smies (in person)
  - Roger Noble (in person)
  - Kenneth Pitt (in person)
  - Board members Teresa Wall-McDonald and Shana Radford were unable to attend.
  - (There were approximately 10 people in attendance on zoom, 4 or 5 in-person).
  - Staff that were present: Melissa Schlichting and Rob McDonald (CSKT, in person), Mary Price (CSKT, via zoom), Arne Wick and Joel Harris (State of MT, in person)
- **Clayton Matt selected as Board Chair for a year.** Board member (“B.M.”) Roger Noble acknowledged that, though the board did not yet have official bylaws approved, he wanted to nominate B.M. Clayton Matt to be the board chair for the coming year and to then continue to rotate the position annually > the other three members voted yes in a roll call vote.
- **Kenneth Pitt selected as Vice-Chair.** Chairman Clayton Matt welcomed everyone to the meeting and pledged to try and observe Robert’s Rules for meetings. Chairman Matt then invited a nomination for a Vice-Chair > Roger Noble nominated Kenneth Pitt > Kenneth Pitt seconded > motion passed unanimously.
- **Agenda approval.** Chairman Matt invited a motion to adopt draft agenda > Roger Noble Seconded > motion passed unanimously.
- **Announcement of location of recordings/minutes/agendas** on both the CSKT and DNRC websites by staff.
- Chairman Matt introduced and welcomed **Georgia Smies** as the fifth member of the board, selected by the other four on February 2, 2022, and read off some biographical items about Georgia. B.M. Smies remarked that it was an honor to be selected to the board. Chairman Matt also announced Shana Radford as the 6<sup>th</sup>, ex officio, member of the board.
- **Staffing/Water Engineer Job Description.** Chairman Matt announced the board’s goal of being ready to finalize the position description by the next meeting and invited discussion. Board member Roger Noble noted that the Engineer position is the key position for the office of the engineer and feels that they have a good start with the draft in front of the board. B.M. Noble has been looking at position descriptions from other states (and Montana) for similar positions and felt it would behoove the board to integrate some aspects of these job descriptions into the final Water Engineer job description. B.M. Noble reiterated that the group should try and have this ready for approval at the next meeting.

B.M. Pitt asked for clarification on whether the board members would be finalizing the draft or whether they would be asking staff to do so. B.M. Noble responded that it would likely be a joint task—beginning with work by the board and then moving this draft along to the respective staff of the tribes and state to finalize. B.M. Pitt remarked that this should probably be led by staff since the role of the board was more that of a decision maker. Chairman Matt then asked Arne Wick (State of MT) and Melissa Schlichting (CSKT) who the appropriate staff would be to work with on this. Arne Wick answered that it would be himself and Melissa. Chairman Matt then marked that it would be a good idea for B.M.’s Noble and Wall-McDonald to communicate their thoughts

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for additions and revisions to the job description to staff who can then prepare a final description, also suggesting that the description not yet be made public until it is in a more final form. Chairman Matt also clarified that B.M. Georgia Smies should feel free to jump in with Roger and Teresa on job description development if she has any input. B.M. Pitt made a motion that the board transmit a draft position description with B.M. Noble's input to staff for finalization > B.M. Smies seconded > motion passed unanimously.

- **Feb 2, 2022 Draft Minutes Approval.** The board took a brief minute to look over the draft minutes from 2/2. Chairman Matt pointed out that the only revision he had was that his name was backwards (i.e., Matt Clayton— should be Clayton Matt). B.M. Noble made a motion to adopt the minutes as amended by Chairman Matt > B.M. Pitt seconded > motion passed unanimously.
- **Points of Clarification.** Chairman Matt turned this topic over to be led by staff. CSKT staff member, Melisa Schlichting, opened by noting that these clarifications are not exactly meant for discussion but to provide clarity / responses on some topics that have come up recently. These will be developed into the form of a “Frequently Asked Questions” document for the public. Arne Wick clarified the first item (“What is a registration of Existing Use and why is it needed?”) and the second (“What are “previously unrecorded State-based water uses?”) B.M. Noble mentioned the idea of extending the March 16 deadline date in light of the board just recently becoming whole and not yet having an engineer to begin processing. Chairman Matt was unsure that the board alone could take action to amend the ordinance. CSKT staff member, Melissa Schlichting, remarked that the parties will work together to clarify the limits of the board on this issue. Chairman Matt then wondered whether there was a need to extend the deadline and whether there was any information from the public available to help them make that decision. Arne Wick promised to check in with the DNRC regional offices on this topic and incorporate a detailed look into this subject into future orientation sessions for the board. Chairman Matt then asked staff to discuss the timelines of applications that are triggered upon receipt by the Engineer. Arne Wick responded by clarifying the difference between the backlog of registrations (2-1-106(2)) in the Ordinance and registrations that had not yet been filed (2-2-106(1) and (3)). Chairman Matt clarified that he was trying to ask about the sequence of filing—whether folks that made registration filings between 9/17/21 and 3/16/22 were free to develop these uses. Arne Wick answered yes but that they would still need to be processed.

Chairman Matt followed up with the question: in the case that there was a technical issue (or other kind of issue) identified on some of these registration applications, what would DNRC do about this and would it be appropriate for them to do anything? Arne Wick answers that it may be best to capture this answer in an orientation session but that the state and CSKT staff are working on options for interim processing of these applications to get us by until the engineer and office are formed. Melissa confirmed that the parties are working together on this subject of an interim process. Melissa also clarified that these registrations are for existing uses, not for new well uses, and that in the coming weeks staff will be preparing orientation sessions to give context to some of these questions. Melissa then read a clarification which describes the board's independent nature and its duties in approving new rights and changes to existing rights, with State and CSKT staff providing support. Arne Wick the fourth item (“When to apply for water uses developed after the effective date?”) and Melissa Schlichting handled the fifth (a clarification that the board does not take over duties of the FIIP and clearly delineating where the board's authority ends and the projects begins). I.e., the FIIP administers water diverted from a stream to serve irrigated lands. Water that remains in a stream to serve the Tribes ISF rights is administered and enforced by the board according to the compact and ordinance.

- **Staff Updates on Orientation.** Arne Wick remarked that the various “deliverables” requested by the board from staff at the first two meetings were still in development and not yet ready for distribution, including:
  - Proposed Timeline of important implementation items
  - Draft operating rules
  - Draft communication plan
  - Draft staffing plan
  - Options for office space

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Melissa Schlichting noted that the parties are hoping to organize orientation sessions that go through these documents but that we are now proposing to move the next meeting out a little further so that staff has time to work on these, rather than spending all their time organizing a weekly meeting. Chairman Matt asks if there are any other questions on the topic of orientation documents. B.M. Noble had no question but requested that the bylaws be addressed and included in the orientation “workshop.”

- **Next steps.** Chairman Matt noted that he had spoken with Teresa Wall-McDonald about meeting times and that she likely could not attend today because the group had been meeting on Wednesdays before and she may have already had this Thursday timeframe scheduled for work. Teresa is available Thursday and Friday afternoons in the future, but it might be a good idea to start targeting a consistent day of the week. B.M. Noble remarked that Thursday afternoons seem good—both because it works for Georgia and Teresa but because it allows DNRC staff to come from Helena without overlapping with the weekend. B.M. Pitt suggested starting a little later, around 2. B.M. Smies’ schedule changes from quarter to quarter (she’s a professor at Salish Kootenai College) but agreed that moving the start from 1 to 2pm would be helpful. The staff, Arne and Melissa, remarked that they were happy to accommodate the board’s preferences on this. Chairman Matt proposed targeting a start time of **2pm on March 3<sup>rd</sup>** for the next meeting. With an informal assent from the other members, B.M. Matt announced that date and time for the next meeting. The Board members agreed to work on an agenda for the next meeting, remarking that the tentative agenda items provided seemed like a good start.
- **Public Comment.** Christopher Chavez made the sole public comment (in person)—encouraged the board to overwrite any deadlines that might be problematic.
- ~2 pm – B.M. Noble makes a motion to adjourn > B.M. Pitt seconded > motion passed unanimously.