

Summary
MONTANA WETLAND COUNCIL MEETING
Thursday January 27, 2000

Next Montana Wetlands Council Meeting is scheduled for April 20, 2000 in Helena.

DEQ Wetland Conservation Coordinator, Lynda Saul opened the Wetland Council meeting at 9:30am with introductions by all attendees. Please see attached sign-in sheet.

National Wetland Inventory (NWI) – Lynda Saul, DEQ

Completing the NWI in Montana is one of the highest priorities of the Wetland Council, the draft Montana Wetland Conservation Strategy and Situation Assessment. MDT has committed \$200,000 for NWI mapping in Montana in exchange for clearing the MDT wetland mitigation ledger of 33 acres of old non-jurisdictional wetland impacts. Lynda is coordinating the mapping contract. River corridors and areas experiencing land use changes will be priority areas for mapping, she is requesting input for other priority areas. Rough costs are \$1,500 per 1:24,000 USGS quad for a digitized product. She will be working with others to leverage the state funding with additional funding from federal agencies, others and grant programs. Benton Lake NWR was mentioned as a mapping priority.

Unified Watershed Assessment (UWA) is a Clean Water Action Plan project that prioritizes watershed restoration needs including wetlands in Montana. EPA is increasing it's priority to fund watersheds identified in the UWA. Stuart Lehman, DEQ and Dave Heilig, NRCS are coordinating the UWA for Montana and will be requesting input from agencies and organizations. Montana's report is due to EPA in October 2000. Council participants were encouraged to become involved with their agency's input into the UWA from a wetland perspective.

As a follow up from the last Wetland Council meeting, Lynda reported that a new reference book reviews the 40 most common wetland assessment procedures. It includes all the methods discussed at the October 21, 1999 Council meeting. Bartoldus, C.C. 1999. *A Comprehensive Review of Wetland Assessment Procedures: A Guide for Wetland Practitioners*. Environmental Concern Inc., St. Michaels, MD. 196 pp.

Wetlands and Water Rights – What's the Law and What are Some Wetland Issues?
Mike McLane, DNRC Water Management Bureau

Lynda introduced this presentation as a Council request for information regarding water rights and wetlands, involving both naturally occurring wetlands and restored, enhanced, or created wetlands for mitigation projects.

Mike McLane began with a general discussion of water rights. He handed out a booklet written for the public titled, *Water Rights in Montana*, December 1999 and available from DNRC 444-6610. Background information included describing the court system as arbitrator for disputes, the Water Use Act and adjudication process, requirements of the Act and permit process (new water rights must go through DNRC to get a water right permit). Discussed beneficial uses of water including instream flow, the water reservation process, water leasing and basin closures. Mike mentioned that for closed basins in many instances the best option might be to buy or lease old water rights.

Mike distributed an article by Jane Rider published in the Independent Record 1/16/2000 titled *Bitterrooters see water privatization increase*. The article is an example of the increasing concern over public in-stream versus private out-of-stream water right issues surrounding ponds and wetlands. Recent legislation temporarily closed the Bitterroot River to new water permits in response to these concerns. Mike asked questions such as, how does water law protect water for naturally existing wetlands? Another question related to wetland mitigation, who is the appropriate water right holder for created or restored wetlands, a public or private entity? Another question was raised about ponds as wetlands, are they categorized as beneficial use? And how are trade-offs made to divert water from a live stream to a ponded off stream private site. The recent Supreme Court decision regarding a right to a clean and healthful environment may likely have an impact on future cases. DNRC is currently exploring these and other issues. Mike and Lynda asked the Council if and how they want to be further involved in the wetland water right issue? For the time being, the Council would like to be kept abreast of how these issues proceed and other issues that develop.

Inventory and Assessment of Bank Stabilization – Erik Reingleberg, Troy Brandt researchers & Brian Maiorano, Missoula County Flood Plain Administrator.

Lynda introduced this presentation as results of field research and information learned from a stream bank inventory as part of an EPA Wetland Protection Grant awarded to Missoula County in the spring of 1999. Troy and Erik reported on the field inventory and Brian discussed how the information is being used to evaluate and revise county flood plain regulations.

Troy Brandt briefed the Council participants on the stream inventory and assessment of bank stabilization projects on reaches of the Clark Fork, Bitterroot, Blackfoot, Lolo Ck and Ninemile Ck in Missoula County. The fieldwork was completed during summer 1999 and involved a physical inventory of 215 bank stabilization projects over the 121 river miles surveyed. Troy reported that 29 river miles were affected by bank stabilization projects. The study identified riprap problems in Missoula County and the cumulative impacts on rivers, riverbanks and flooding potential. Field observations included noting that many of the bank stabilization projects provided substrates for noxious weed establishment, especially knapweed. On Lolo Creek, investigators observed that almost every other outside meander loop was stabilized, effectively stabilizing the entire river reach surveyed. The fieldwork also identified when stabilization was appropriate and studied existing and proposed levees for benefits and drawbacks. They found that some existing

levees are of little benefit; many actually raise flood elevation level and do not provide adequate flood relief. Much of the new development in the Missoula area along the Clark Fork is being built or proposed behind new levees.

Erik Ringelberg noted that the inventory and assessment project took about 6 weeks and cost about \$3000. Information gathered includes a photographic record, project description and GPS which mapped the location of each project and stream reach. Two brief and highly informative reports were prepared regarding the field inventory. *Inventory and Assessment of Bank Stabilization Projects on Reaches of the Clark Fork River, Bitterroot River, Blackfoot River, Lolo Creek, and Nine Mile Creek in Missoula County, Montana.* The other report is titled *Detailed Methods and Materials for the Inventory and Assessment of Bank Stabilization Projects.* Copies were distributed at the Council meeting. Lynda will also distribute copies of these reports to Conservation Districts, Flood Plain Managers and others. Please contact Lynda if you would like a copy.

Brian Maiorano, Flood Plain Administrator for Missoula County next spoke about how the information was being used. The County has proposed amendments to the Missoula County Floodplain Regulations and is beginning the public involvement process. The purposes of the amendments are to strike a balance between protecting property against flooding, not increasing the flood potential and maintaining the natural channel as much as possible. Bridges with too short of a span are also a major problem for the County. Many bridges have hour-glassed the creeks, streams and rivers. Historically bridge projects with less than a 6 inch rise in water level were ok, but the County has found that channel aggradation is occurring during normal stream functions and increasing flood potential causing bank erosion problems for adjacent landowners. Brian reported that Missoula County contains 33,000 acres of flood plains. A question was asked about enforcement of the flood plain regulations. Brian commented that County resources are stretched but the County Attorney is also the attorney for several Conservation Districts in the region and very familiar water resource issues.

Brian distributed copies of the final draft for public comment of the proposed amendments to the Missoula County Floodplain Regulations. For more information about the project, call Brian at 406-523-4841.

Wetland Education - Drew Overholser, Montana Watercourse.

The third wetland public service announcement is being aired between January 23 and February 27 on CNN, Discovery, ESPN, A&E and CBS (Butte). The PSA, featuring a working rancher discussing the benefits of natural wetlands, was shown at the October Council meeting. MT Watercourse bought airtime to ensure showing at prime times, other free PSA distributions will be sought.

Drew is working on wetland workshops based on the "Montana Landowners Guide to Wetlands". Likely workshop locations include Bitterroot, Flathead, and Bozeman (in conjunction with the Helena Wetland Partnership project) and the Upper Yellowstone. He is looking for wetland speakers to present topics at the workshops. The Bitterroot workshop, April 14-15, will be held in conjunction with the Clark Fork Symposium.

Drew is also working on 4 brochures to accompany the Landowners Guide. Suggestions from the Council were to target specific audiences and to focus on positive wetland aspects rather than the regulations.

Montana Watercourse is establishing a Montana Wetlands Steward Award. Volunteers were asked to help decide how many award winners there would be, the selection process, who would be eligible, and whether or not to include government employees. Award criteria could be the same as the national criteria. In addition to state recognition, aware winners would be forwarded as National Wetland Award nominees. A poster contest could also be held among elementary school students with MT Award winners receiving a framed copy of the winning poster. Contact Drew at 994-6634 or drewo@montana.edu.

Wetland Updates and Coordination Reports.

NRIS – Duane Anderson reported on the DEQ/EPA wetland grant project progress. The project goal is to review and update the COE 404 permitted project files and make that information available to the public. 2,126 files have been reviewed and project impact information and accurate project location has been added to the NRIS database. 28 counties have been completed for years 1993-1996. Duane distributed a handout and explained that with this information, land managers will be able to query the data base and ask questions such as in xx county, show all nationwide permit 13 (bank stabilization) locations and total the linear amount of bank stabilization permits issued. Duane also reported on Montana Topographic Map finder, available over the web at: <http://nris.state.mt.us/topofinder.html>. It enables a user to search for any location and bring up a topographic map of the area or digitize a point on screen and get the exact coordinates for any location.

NRIS – Welda Welch encouraged participants to fill out the Montana Watershed Information Access Survey. The survey purpose is to determine how best to make watershed software applications and data more attainable and useful to groups and individuals with limited computer access and knowledge. It can be found at <http://nris.state.mt.us/wis/surveywatershed.htm>. Or call 444-3345 for printed version.

MNHP – Catherine Jean introduced herself as the new Montana Natural Heritage Ecology Program Manager. She is in the process of searching for and hiring an ecologist with wetland specialty to replace Jack Greenlee, who resigned for a position out of state. Application process closes Feb 10, 2000. MNHP is currently winding up the wetland inventory of North Fork Flathead Valley. Cathy can be reached at 444-0915 or cjean@state.mt.us

DEQ – Lynda Saul

Reported that 9 Montana State and local government wetland grant proposals requesting \$358,466 from the EPA grant program have been submitted and are awaiting review. She highlighted outcomes from one grant issued last year to the MT Local Technical Assistance Program that helps local governments with road maintenance education.

There is now a new chapter in the road maintenance handbook on BMP's for unpaved roads near streams and wetlands and is being taught both as a component of basic gravel road training and as a stand alone course.

DEQ – Randy Apflebeck reported that he and Ric Hauer (Flathead Lake Biological Station) attended a wetland meeting in Washington D.C. working to develop guidelines for biocriteria for wetlands and how to link the Hyrodgeomorphic approach (HGM) to Biocriteria. Call Randy for more information 444-2709 rapfleback@state.mt.us

DNRC – Dave Martin discussed a wetland/riparian best management practices calendar they are developing as part of a DEQ/EPA wetland grant for landowners. They are looking for both practices and landowners to highlight in the calendar. The other part of the grant is \$1000 wetland/riparian education grants available for local governments. Contact Dave at 444-4253 for more information or to apply for a mini grant.

DFWP – Tom Hinz, Migratory Bird/Wetland Coordinator for DFWP explained the original intent of the 1985 wetland protection legislation - funds raised from the sale of migratory bird stamps and artwork is to be used for the protection, conservation and development of wetlands. These sources generate about \$220,000 per year for wetland protection. Future art themes include a paddle wheel and a Lewis and Clark theme to emphasize the wetland habitat component of the program and not simply waterfowl production. Within the next 3 months, DFWP Director Pat Graham will be appointing new members to the Wetland Protection Advisory Council which oversees the expenditure of the funds. The statute states that Advisory Council members shall represent Montana sportsmen, nonconsumptive users of wildlife, and the agricultural industry. Please contact Tom if you are interested in being considered for an Advisory Council position, want to recommend someone, or want more information.

Tom also mentioned that he and Lynda Saul have been discussing the potential to coordinate resources and funding programs state-wide for greater on-the-ground effectiveness at wetland protection and restoration and to help leverage federal grant resources. The Council will be kept informed as this idea develops further. Tom is organizing the annual spring tour of wetlands and would like to expand participation to include landowners in addition to agency land managers in an effort to get a better mix of participants and information sharing. Lastly, the DFWP Foundation is now in place and soliciting ideas for projects that are not funded through traditional DFWP programs. Please contact Tom for additional information about any of these projects at 444-3248 or thinz@state.mt.us

MDT – Larry Urban reported that MDT now advertises in local newspapers that they are looking for potential wetland mitigation projects. MDT is currently advertising for projects in 7 watersheds. MDT plans to create 250 acres of wetland mitigation in 2000. MDT's road building and maintenance activity is expanding due to the 60% annual increase federal funding from TEA21. In July 2000, MDT will take over maintenance responsibility for many of the paved county roads statewide.

EQC – Mary Vandebosch reported that the EQC Land Use Subcommittee is looking into local land use tools, particularly set back requirements, and how well they work.

EPA – Steve Potts reported that he is on the regional team to review and evaluate wetland grant proposals from the 6-state region. \$3.2 million worth of projects were requested for funding, and competition for funding is increasing each year. Steve is not involved in reviewing tribal proposals. Steve also commented that his major work involves reviewing federal EIS's. Plum Creek Timber Company's habitat conservation plan EIS covers 1.2 million acres in Montana and comments are due March 17, 2000.

USFWS – Rob Hazlewood mentioned that Habitat Conservation Plans involve working with willing landowners. The final EIS for FERC relicensing of the dams on the Madison-Missouri rivers has been published and includes wildlife protection, mitigation and enhancement measures involving wetland and riparian habitats. The USFWS Private Lands program has 7 full time biologists working in Montana with willing landowners on voluntary wetland restoration on private lands.

CSK Tribes – Joleen Jakobson reported that the Wetland Conservation Plan for the Flathead Indian Reservation has been completed. The Plan includes sections on environmental indicators of wetland and riparian quality, issue assessment, plan implementation and wetland mitigation guidelines. The plan was adopted by unanimous resolution of the Tribal Council of the Confederated Salish & Kootenai Tribes.

Blackfeet Tribe – Mary Clare Weatherwax reported that Blackfeet lands contain 1.5 million acres and the western most area of the prairie pothole region. They have just constructed the first wetland mitigation site on the reservation, a 40-acre site on the north edge of Browning. The project was a cooperative effort between the Blackfeet Community College, the BIA road crew and many others. This site will also be used as the first public park for the city Browning.

Upper Yellowstone River Task Force – Liz Galli-Nobel reported that the 1999 Upper Yellowstone Annual Report is scheduled to be available 1/31/00. Geomorphology, riparian and fisheries studies are funded on ongoing, wildlife and socioeconomic studies are looking for funding.

Land and Water Consulting – Jim Hadlock reported that they work on wetland and stream restoration and water rights as well as other natural resource consulting projects. Jim is on the National Society of Consulting Soil Scientists and working on hydric soil definitions.

Montana Audubon – Janet Ellis reported that they are developing a guidebook on how to protect wetland and riparian areas in land use decisions in Montana.

RWRP – Donna DeFrancisco reported on several RWRP projects including the 4th year of a 319 grant looking at grazing level indicators for Montana.

Next Wetland Council Meeting is scheduled for April 20, 2000 in Helena, DEQ Directors Conference Room.

Potential agenda items:

- Report on the Montana Natural Heritage Program's Ecologically Significant Wetlands findings from the Upper Yellowstone and Flathead basins.
- Conclusions from Vickie Ludden research on HGM and biocriteria.
- Results of Missoula County's public process on revised floodplain regulations.
- Update on a coordinate approach to wetland restoration and protection in Montana.
- COE 404 permit review of projects approved in Montana since 1990.

Please contact Lynda Saul 444-6652 or lsaul@state.mt.us with additional agenda items. The Montana Wetland Council meets quarterly in Helena; everyone is welcome to attend.

The meeting adjourned at 4:00 pm.

Montana Wetland Council
January 27, 2000
Sign In Sheet

Liz Galli-Nobel	Governor's Upper Yellowstone River Task Force
Bernadette Tsosie	US Environmental Protection Agency
Dennis Longknife	Fort Belknap Tribes Wetland Specialist
Jolene Jacobson	Confederated Salish & Kootenai Tribes
Kelly Shields	MT Dept of Commerce
Randy Afplebeck	MT Dept of Environmental Quality
Steven Potts	US Environmental Protection Agency
Chad Anderson	MT Dept of Agriculture
Jim Hadlock	Land and Water Consulting
Rob Hazlewood	US Fish and Wildlife Service
Dick Blodnick	US Environmental Protection Agency
Mark Holston	Flathead Basin Commission
Duane Anderson	MT Natural Resource Information System
Bruce Waage	Western Energy Company
Mary Clare Weatherwax	Blackfeet Tribe
Drew Overholser	MT Watercourse
Velda Welch	MT Natural Resource Information System
Mike McLane	MT Dept of Natural Resources
Cindy Hedlund	Benton Lake National Wildlife Refuge, USFWS
TamiJo Ruether-Affor	Montana Contractor's Association
Rick Welsh	Montana Power Company
Janet Ellis	Montana Audubon
Bill Tash	Montana Legislature House District 34
Mike Murphy	Montana Water Resource Association
Dan Teigen	Northern Plains Resource Council
Catherine Jean	MT Natural Heritage Program
Donna DeFrancesco	Riparian Wetland Research Program
Jesse Aber	MT Dept of Natural Resources
Mary Vandenbosch	MT Environmental Quality Council staff
Lawrence Urban	MT Dept of Transportation
Erik Ringelburg	University of MT
Brian Maiorano	Missoula County Flood Plain Administrator
Troy Brandt	University of MT
Charles Van Hook	Montana Wetlands Trust
Tom Hinz	MT Dept of Fish Wildlife and Parks
Pam Hackley	Consultant
Rich Moy	MT Dept of Natural Resources
Dave Martin	MT Dept of Natural Resources
Lou Moore	MT Dept of Environmental Quality
Lynda Saul	MT Dept of Environmental Quality