

Lake 17 EA Scoping Meeting Hays Kills At Night Center 2019-03-14 @ 6pm

Andy Werk Opening: We had a good meeting today in the chambers lots of good dialog and input. This project is a high priority for me and a project I've been involved with for a long time its had its ups and downs and challenges. We're taking another run at it here and going to get it done. Thanks to all you folks for coming out tonight and I'm excited. Hays has a lot of history agricultural or cultural purposes it's got a good history so important for this community and Warren will probably chime in later.

Jay Springer - Project manager with Northern Engineering and Consulting

Bruce Beecher – Civil engineer with Northern Engineering and Consulting

Lorraine Brockie - Hays Community Member

Pete Gabes - from Dodson

Emily Peterson - Environmental manager for DOWL

Laura Shipely - Environmental scientist for NECI

Steve Becker - State engineer for NRCS out of Bozeman

Les Jones – from Dodson

Jeff Combs - Biologist with NRCS out of Bozeman

Paul Semanski - State design engineer for NRCS out of Bozeman

Gene Onako - Safety dams officer for the BIA out of the regional office in Billings

Buster Moore – Hays community member privileged to help set up for the meeting and help out

Reno Oshambo – Hays citizen, community member, volunteer

Randal Wert – Environmental science instruction at Annaiih Nakodta college

Warren Morrin – the Gros Venture representative this is my district welcome

Wally Gladstone - NECI rocky mountain region Vice President

John Healy - Transportation Director for Fort Belknap, also the Tribal Champion on this project

Nathan Martin - Hays GNC Construction

Casey Martin – Hays GNC Construction

Andy Werk –President for the Fort Belknap Indian Community

Frank Ransglove – Community Member

Lea Onako – Community Member

Elenaore Yellowrobe – Chief finance officer for the tribe

Eli – Future engineer for community (Elenaore's grandson)

John: Again, welcome everybody, just like to say a couple comments regarding this project, this is basically the 2<sup>nd</sup> time we're going for this project and thanks to Andy and Mr. Becker, Steve Becker, Fort Belknap gets another crack at this project and some of you may remember several years ago when we attempted this project I think Buster and Andy were on the council as Andy mentioned in his opening comments we'd really like to see this project come to fruition they named me as the Tribal champion to kind of nudge the project along, I had to arm wrestle Jay over it so

Jay: And he is the champion.

John: So with that I'll just turn it over to Jay, Jay is the project engineer on this project, Jay will take it from here, and after Jay we'll have some brief comments by Steve and then we'll get right into the presentation

Bruce: If I could interject one thing the comment cards that I tried to pass out everybody if you're going to leave just feel free to just leave them on the table if you've got anything to jot down as far as how it went or at the end of the show just drop them off by me and I'll take them home

John: Thanks Bruce

Jay: Yep, Thank you Bruce, and that's a great point, because that's what this is all about get your input get your thoughts, we're hoping to create a good dialog of what's on your folk's mind this is called a scoping meet and it's to give us direction on this thing, we have an idea and you'll see that come out and I won't spoiler alert you know it will be coming up but we really do want to hear what you folks have to say so if you do leave early please leave the cards sign-in and if you do have something to say please feel free to speak up at any time. I'd also like to take a minute and thank everybody that's working on this we have Laura here from NECI, we have Emily, Bruce has been a big part of this, Wall's doing some, John Healy's helped a lot with this all, Mr. Buster over there in need of another bowl of chili he's helped out with stuff so and then of course all the government folks and the BIA staff, Gene, Steve, and Paul and if I left anybody's name off I apologize but everybody has been great to work with and great to lend a lot of help in this process with that I'll turn it over to Steve he has a few comments.

Steve: Yeah, I'm going to kind of go off script I guess, I got involved in this project around 2010 and we had a pretty single minded mission at the time we just wanted to rehabilitate the dam and little suction creek diversion that diverted water over to the Lake 17 reservoir we were trying to repair that those structures have been around since 1938 and so we tried to repair it using Farm Bill money and you know there's always a government program coming around and that was they had one called the Environmental Quality Incentive Program and unfortunately the program had a statutory cap of 900\$K dollars and the engineer's estimate to repair the dam and diver was about 1.6 million and so we had to kind of cancel that contract and take a roughly a 7 year hiatus and regroup with another program government program called the National Watershed Program so I think this program is probably fits the scope of this project a little better and you know that Lake out there is somewhere between 300 and 700 acres in size depending on the year. And so This program has a little more money in it the cost share split with the tribe is weighted more toward the government which makes it a little more feasible to do something however the program does require a substantial amount of community participation to make sure that you know the consequences the costs and the benefits of the project are clearly delineated for the community and the Fort Belknap Council so anyway that's what we're here today to see if there are some ideas that the community has that can be incorporated into the project and help us objectively weigh the alternatives so that's it

Jay: Ok, Thanks Steve, while I was sitting here, I was scanning around and Mr. Combs I left you off that list of people not on purpose I just didn't see everybody what I was going to say too to echo Steve's words a little bit I'm new to this thing these guys have a history Andy and Steve in particular have been on since the conception of this deal and so our NECI's contract is with NRCS but really we're working for

the Fort Belknap Indian Community that's we want to see your best interests at heart and we are trying to put alternatives up here that will best serve you guys that's what our purpose is. So with that being said we'll start moving through this slide show or this PowerPoint I'm old school.

So here's our meeting agenda we'll show the project location and watershed area, give you some idea about the project background on different things, we'll run through the current design facts, things that we were already were given that we now from the previous designs and previous work that was done, existing conditions of that site and what's going on, purpose and need, previous investigation again that's a compilation of what other documents and other work has been done, preliminary alternatives, we have 4 of them 1 just by redefining some things after a preliminary evaluation we've already eliminated that particular one and we'll go through that in a few minutes, environmental investigations and fortunately we have several people that have really good background in that and are sharp folks that are going to help walk us through that. That definitely is out of my bailiwick I'm an engineer I like to move dirt and built things but they make sure that I do it in a manner that's least intrusive on our environment. Our final product what we plan to do for outreach finally we'll leave a time for discussion. So moving onto the next thing the project location and overall watershed area. Like we said before the lower portion the whole thing is the Lake 17 watershed the larger delineated portion there of that is about 47 acres and that's for the Suction Creek portion of that watershed, it's two actually distinct watershed and you actually see where it goes off the reservation and we'll touch on that a little bit on some water rights and the other portion is the Lake 17 watershed which consists of 19 acres. Did I say acres again, I'm a farm and ranch boy so acres comes natural. Oh there we have the 17 I forgot how cool this is, there is the little suction creek diversion 47 miles, square miles.

So the project background, there is a set of plans done and the NRCS was diligent they did a really good job designing to repair the breach rehabilitate that diversion and then to rehabilitate Lake 17 dam. The portion after the funding wasn't received or they couldn't meet that criteria couldn't reach that goal they needed to financially what they noticed was that probably not everything had been examined in the diligence that we probably need to go as far as an Environmental Assessment end. And that's what we're really here for our contract is to do a Plan-EA and so in doing that we've developed these alternatives. Just a quick run-through it was constructed in the 30's and it was done by the CCC Indian division it was actually called CCC-IN Dam #17 that's why it's called Lake 17. It's a cultural and historic resource, it was damaged back in '86 there was a storm event some other things happened, it was since repaired think there's been some other pretty heavy-duty maintenance on it as well. Current state of disrepair with multiple of breach events and inadequate repairs we'll see that in some slides coming up. So repairs needed to rehabilitate the dam, the new principal spillway conduit, concrete riser, rock plunge pool, and a foot lift on top of the dam for overtop protection, now that isn't to make extra capacity that is actually just to force any excess water out the emergency spillway and it doesn't go over the road and take the road out.

Lake 17 dam design facts I'm not going to go through each and every one of these I'll leave it up there for a bit so you can read it. As you can see that bullet number 3 it's outlet works include a riser and barrel section that's in pretty tough shape that picture and you can see the inlet if you look just down from that riser you can kind of see the grill of the intake. That picture was just taken October 20<sup>th</sup> of 2018 I was out there poking around at this stuff and that isn't very long ago you can see that it's in need of repair. Let's see, they're both vegetated open channel spillway, that's the spillway, that's the plunge pool, there is also an auxiliary spillway an extra one spillway in a vegetated open channel and there is some work on that as well.

So there is what you can see and they speak for themselves there's the breach at the Little Suction Creek diversion, that's supposed to be solid in there so that's opened up and it's now just letting water run down the old natural Suction Creek, Little Suction Creek...How many people have been down to that breach by chance?> Ok so a good number. The other one is that plunge pool that was talked about and as you notice it is already starting to headcut below that pipe and eventually that will just work further up and it will headcut clear into the dam and then we'll be releasing the reservoir water.

So, our purpose and need statement, if anybody was at our first meeting we had a chance to talk and revise this but you're going to give us some ideas to what we're trying to do is figure out the best way to utilize it. So to enhance and utilize the Lake 17 reservoir for the benefit of the Fort Belknap Community. That's what we're looking at. There is some water running down Little Suction Creek through the breach and the other shot is looking north, or no I think it is looking south on top just next to the breach kind of in the channel.

The previous investigations reports and survey's:

In 2017 a watershed and flood prevention operation proposal guidance was developed; I'm just going to hit the highlights. In 2012 the NRCS Lake 17 Dam plan and Little Suction Creek Diversion drawings were completed, that's what they were going to try to build, and that, I look at a lot of sets of plans, I've been doing this for 30 years as a civil engineer and it's a really good set of plans, there is nothing wrong, now we just need to make sure if that's the route we go, that that's we don't have to re-do those plans but if that's the route we go, but they did a really diligent set of plans. They did a breach summary report which means if that dam fails Lake 17, what would happen and so there is some flood hazard mitigation there is some component to that that we need to take good look at. The 2010 biological assessment which I believe Mr. Combs did right?

Jeff: Yeah, I participated in that

Jay: OK, then the downstream hazard assessment by the Bureau of Reclamation, and then a couple different items we found since then since NECI started this process and there's some good information in those. This this slide is a, ok so without, before we even begin the process we want to see is it worth doing right. So these are based on what we can develop what we see as an average precipitation year average you know with snow runoff and moisture, these numbers need to be revised a little we've discussed them we going to have another meeting on them, but what our initial intent is this thing even sustainable because if it's not if we can't do that with the watershed off of there it's not worth doing right to try to do that. What we've come up with initially is yes, it is we need to myself Paul some other folks are going to get together really go over those numbers to make sure that if we do go for funding that is going to be a big question can we backup those numbers.

And at any point if anybody as a question on anything feel free to jump in. I don't want to just steamroll through you or steamroll over this.

We're going to get to the preliminary alternatives now. Always on these when you're looking at that you do the no action and we've been doing that for like 13 years now where we just let it run where it's going to run and we don't take care of the breach and we don't really do anything with the dam and it's just working the way it's working so these are the things that will eventually happen. The dam will breach, as you remember how it was headcutting under that pipe and there are some other additional place that may happen. Downstream channel will headcut the reservoir so it reverts back into a prairie pothole. Existing diversion breach will widen until the natural character of the intermittent stream

channel is restored. Which that was at one time Duck Creek ran through there, we found some really good old GLO notes when they originally broke these out into sections and those guys were super diligent in their survey work and calling out and we can see where the wetlands kind of were they called them out and we can see where Duck Creek ran and it will eventually try to reestablish that back in. And then alternative #3 is the rehabilitate the dam and decommission the diversion the dam rehabilitation following the NRCS plan doing the full boat where we fix that breach and we do the work excuse me, that's #4 Alternative #3 is rehabilitate dam at Lake 17 and we decommission the diversion so we don't worry about diverting the water out of Suction Creek anymore and we just let the natural watershed that 19 square mile watershed generate enough runoff to work with on Lake 17. Alternative #4 that's where we do both the Dam rehabilitation and the breach we fix that back to the way it was, and actually not the way it was we're doing some other things so the instances of it breaching again should be significantly less

Alternative #2 initially considered but determined not to meet the project purpose it was eliminated and what that was decommissioning the dam and diversion so instead of alternate 1 not doing anything this is just a little more step all we would do is restore it the best we could to it's natural state and the money we would spend on that for the little bit of work it would be over the difference in doing nothing at all just wasn't worth it, so that one we took off the plate. So we'll get into a little more detail.

Alternative #1 the No action, do nothing. Of course the cost is nothing, the construction cost, the operation and maintenance is nothing, but there is no net economic benefit for irrigation because eventually that Lake 17 dam is going to fail, and then the stock water based on a pound of gain per calf is \$650 based on 650 cow-calf pairs on there maintaining that we can keep that 351 acre-feet and that's based on an average gain of 10 pounds and it's pretty minimal pretty conservative estimate, but average gain of 10 pounds and an average price because they're a healthier calf a better looking steer that you're selling of 10 cents higher on the market. Those numbers came from some studies we saw and then from actually the Billings livestock commission sale prices too. Now that can be debated a little bit, there are some other facts on there that's very minimum and you can see \$650 so per calf that's not too bad.

Lake 17 storage volume is 351 acre feet, I won't go through, the max cow-calf pairs for grazing acreage is 650 so we limited it to it's based on where it says 25 gallons per cow-calf pair that's a pretty standard number, you guys, I grew on a farm and ranch out north of Havre and based on 25 acres for cow-calf pair in this country, and that's what we used too and that isn't just numbers that I said that's based on the NRCS standards too. IS that what you guys basically figured?

Pete: Did you guys take anything from the people that run out there this last couple years?

Jay: No, we haven't but I sure would like that information

Pete: Because they're talking about 650 pounds and I have no idea what their gain was or their calves weigh or what their calves weigh when they went to market, but I went out there 2 years ago I was supposed to take some cattle out there I went out there to look at it and it was just like this table and there was no grass, well you can have all the water in the world and you'll still have no gain, so I was kind of puzzled where you come up with this idea that the 650 pound calves on this water

Jay: Well we're basing it on if they have that's based on adequate grazing as well.

Pete: And they will drink more than 25 gallons nowadays cattle will, you're going on 25 gallons was 30 years ago. Cattle are so much bigger, I found that out I went out of the business for 28 years or something like that and got back in and I couldn't believe how much bigger these stock cows are today than what they were way back when

Jay: Hey that's really good so what do you figure for cow-calf pair what do you figure they consume? Because that's good information

Pete: Well like in winter cattle we're feeding right at 50 pounds a day of hay and 3 pounds of cake

Jay: Per cow-calf pair?

Pete: Per cow, see we haven't calved yet so we don't know that part but last year we wintered that's what we fed last winter and this year we actually shipped calves that weighed 700 pounds but because of the way they were wintered really I think and they were down in a unit where there's all kinds of water all kinds of hay and grass you know

Jay: How about the water end, how much do you got any idea?

Pete: The water I think is probably 25, 30 gallons and maybe probably 40 gallons I don't they're all big animals, you know they are a lot bigger. Well years ago the cow that weighed 1100 pounds was a big cow now she's a small cow so I don't know, I don't know if it really has that much to do with fixing the dam

Jay: Well what we're trying to do is associate some beneficial costs, if we can substantiate how many cow-claves pair can run on it and is there is a gain if the water is there and grass is there

Pete: I would hope that our Council can get out there and look at those pastures to see that they've been heavily abuse, I hate to say that but that's true.

Jay: Ok, yeah Well grazing management is big.

Pete: Let's not just fix the water, let's fix the grass

Jay: OK, thank you, or I didn't mean to if you have some more, I wasn't trying to cut you off if you had some more to say.

Pete: No no, I'm like Archie Moore no.

Jay: Ok, so continuing on with some of the other things of alternative number 1 of the no action, we have that chart up there that has these alternatives how we categorized them and if you haven't had a chance take a minute and take a look at these and it has each of the alternatives and how we're rating

these so that we can come up with something a little more concrete to look at and make a good valid decision, That's what we're trying to do is arm you folks and the council with something to make a good valid decision with not just a guess of yeah lets do this but for a good reason why to do it.

The vegetated wetland habitat that's 123 acres if we do nothing, we're going to revisit that number because I know our environmental folks said that didn't really that kind of jumped out at them. Those numbers are based on the NRCS study that was done previously, and I'm not throwing them under the bus, we just need to see how they came up with that if it jives with what we think now. The open water habitat is 54 acres. There's potential of adversely affect to 817 acres of habitat for 10 species of concern so that's relatively, you know, significant. The recreation would be poor of course. There wouldn't be as many migratory species of critical habitat, your bird watching would go down, and those kind of things. Wildlife corridor, or hunting, would be poor and the fishing pond depth if we were going to try to do anything like that would only be 3.5 which after our discussion earlier I don't think would support anything except I don't know frogs, which there is nothing wrong with frogs.

Number 2 that is eliminated, I won't even really go through it there is a cost for that would be trying to restore where the diversion was and trying to rehab that back to the original shape or something similar and seeding it and doing those things and just I'm not even going to go through because it's not worth going through we've determined unless you guys see something that sticks out but it just didn't make a lot of sense to pursue that any further but we did evaluate it.

Alternative 3 rehabilitate the dam and decommission the diversion so not do anything with the diversion well restore it but then ultimately do potential work on the dam that needs to be done then we're starting to get into some cost you see the total construction is \$1.24 million, there is an operating and maintenance cost now of 13,300 13400 almost and \$15 of O&M cost per acre of irrigation. Those are all numbers that we pulled out of cost values in different studies that were done.

Annual net economic benefit is based on some information we found there is about \$30 per acre-foot so that comes out to be \$4000, again we get into the \$650 for the cow, that's \$650 for the total benefit and I think I misstated that on the earlier one where I said \$650 per calf, it's \$650 total in that.

And then the potential for irrigation based on 19.99 inches is 147 acres, we based those number on doing alfalfa and trying to get 2 cutting that's what that's based on and the max once again the gallons of water would say you could have 33,353 cow-calf pairs but you got to balance that against what the actual grazing what's a realistic balance of what they could graze and again that was limited to 650.

And then we get to Alternative 4 that's just shy of \$2 million dollars of construction, we start to get more and more maintenance cost too, but you'll see we get a little more benefit as well. So O&M costs are \$29,000 the \$15 for O&M cost per acres of irrigation so that would be then because we have more acres you can see down below 606 acres and we need to we'll go over those numbers again once we establish these water budgets we've done those pretty diligently but we want to make sure we have them really refined so we're not giving you guys information, the council information, that isn't pretty, you know in this country the way rain comes and the way snow comes and all those things that give us our runoff nobody can say with any absolute certainty you're going to get this much ,but we do have methods to estimate based on historical data where we could be reasonably confident we're going to get in this 2-year cycle enough to do be sustained and get those volumes we need.

The storage volume is 438 that's the max volume, that's the overflow and then once again you get 606 acres of irrigated land, 457 acres can be sustained but agricultural means and methods could improve that potential. So 457 acres if you remember on one of the beginning slides there was a study done for Blaine County Water, it was done by the Montana Water Board and we pulled those number right out of

those tables, they had already established that and that's the total they came up with now in 1967 they already said there is this much potential, they had seen it had been irrigated, but none of that is being irrigated anymore so that would definitely increase and again looking at the amount of water you have 72,000 cow-calf pairs but once again we're limited to 650 acres of grazing by the forage.

Pete: Can I ask you a questions, where is this land that you're irrigation where is it at?

Jay: It's down below on Duck Creek there, I think we have, do we still have that slide in there do you remember which one that is?

Laura: I'll have close out of the slide show

Jay: We have that mapped out, Laura put together a map of some

Pete: Well see I live way down on the end of People's Creek in the Dodson area and it seems years ago we used to get water out of Lake 17 to irrigate our hay meadows

Jay: We heard that at our first public hearing, you know when we were talking about that, some people, I can't remember the name, does anybody recall, there were some guys talking about some guys that irrigated down that way

Pete: Well there's the Yero ranch and the Stevens Ranch those two, and they used to turn that water down they were always fighting for water

Jay: Do you about know how much they irrigated?

Pete: It's been so long, I was just a little boy, but I remember them talking about it and this is what you're talking about, you're talking about someplace else that I don't recognize, alfalfa and stuff we had no alfalfa down there so. But would that be that they could irrigate that land down there again if they could get this fixed?

Jay: Yeah, this is that Blaine County Report that we were talking about and if you see these green, I don't know if this is very readable, but for irrigation potential the topography is good for irrigation potential and then I can't remember what this one said.

Laura: I think the top one is topography and the bottom one is soils, so the soils classification

Jay: Ok, so you can see where they have those dots, yeah there you go thank you, oh wow that's got a pointer too how cool is that

Pete: He's a farm boy.

Jay: I am a farm boy, we'd just throw stuff at it out at the farm. Ok, in here see these, there has the topography there and there has the soils the darker green

Laura: So that's what they came up with in 1967, but if you go to the next slide and that's why I put the ortho behind it and kind of hazed it out a little bit but you can see all that irrigated ground that wasn't delineated in 1967 as being potential so although it's a good resource and everything it does need to be taken you know as a historical document, we have means of irrigating ground today that probably weren't even dreamed up back in those days and equipment to move a lot of land. But if you go back to on this one if you see those orange lines up there those are actually canals that were on that state on that file from the state library

Jay: That's the one that says they are abandoned now?

Laura: I think those may still be in use or maybe they called them in use I don't know if they really truly are abandoned or not but I believe not sure when they did that survey but

Jay: I Guess the point is there is a significant potential for a good increase in irrigable ground you know for irrigation potential

Lorraine: North of there wouldn't that be like Cochran's and Filesteel's and going that way? Because I know by uncle farms over there Bobby Cochran and Filesteel's they use to put up alfalfa I think they still do maybe.

Warren: What's that range unit out there 18 or 11

Lorraine: 11, or that way, 18

Pete: That's 18

Lorraine: I know right east of Lake 17 because that's where we keep our cows when my dad was young well that all used to be Brockie land down there and they used to put up hay in the summer but then that was when the irrigation system was running you know they put all, it's grazing now, but it used to irrigate it.

Jay; Yeah, in that same document it talks about the Duck Creek grazing unit

Pete: Well Filesteels they got a diversion over there where they can irrigate, I believe Eddie Filesteel is who you're talking about?

Jay: So maybe that is some that you saw that showed up as

Laura: Yes

Pete: What do you call that creek that goes down through there?

Jay: Duck Creek

Pete: Duck Creek, that's duck creek, so how far does Duck Creek run?

Jay: See that confluence...Right in there

Pete: Oh way over there, and it dumps into what, Brown Creek?

Jay: Little People's Creek and originally Duck Creek; so Duck Creek ran in here and see where Lake 17 it ran right through there. Man you never know how shaky your hands are until you go to do something like that it looks like I'm having a seizure; but it ran right in through here where the diversion is and that's how they formed Lake 17 it ran right through the middle of Lake 17 basically.

Pete: How deep is the water in that lake when it is full.

Jay: Well it has the potential, we don't know how much silt is, that's something we need to get out and do, but it has the potential to be basically about 16 feet deep, is that right?

Pete: Are they going to build that dike a little higher? What are they going to do with the head gate that's in there?

Jay: No, They're going to just rehab it, It will be established at the same elevation, just put a new one in there, a concrete one, and a different inlet structure that is a little bit more efficient.

Laura: And that was kind of limited due to the high hazard dam they didn't want to go any bigger.

Jay: Yeah, if we made it much higher it would kick it up possibly to a high hazard dam then there is a lot more that goes along with that for downstream folks.

Gene: High hazard potential.

Jay: Thank you, high hazard potential from the, he's the dam guy.

Pete: Are they going to clean the silt out of there?

Jay: Well we're going to try to establish what it is, I don't know, that's you know that might be an option, I can't imagine there isn't some silt built up after 100 years.

Pete: Talk about a lot of dollars.

Jay: Yeah, well one of the items was to deepen it that was discussed before

Pete: are you going to plant fish in it and beaver?

Jay: I don't know about beaver, we could put some muskrats in there and hurry up that process of breaching. Ok is that good I'm going to move on, that's the one we were discussing again

Jay: Environmental Investigations Required. Luckily, we have a few people on board on the team that will do the CWA, 404 jurisdictional determination, the wetland determination they are pretty versed in that and experienced so we need to get that done. The THPO consultation, you know Tribal Historic Preservation Office. The threatened and endangered species, take a look at that. A big part is looking at the economics, the socioeconomics, and the income. Ultimately what we'd like to do, is put together, or we will do, it's not like to but, is a benefit cost analysis to see here's the cost what are the benefits, what's that worth and to really help make a valid decision. And we evaluate the recreation uses, land access permissions, and landownership improvements, irrigation uses, water rights. Unfortunately we couldn't get them on, we had them this morning at the meeting, we had the Tribe's water right attorney JoAnne Curry and a gentleman named Wold, I forgot his last name, Wold the water guy.

Andy: Meskina

Jay: Is that what it is Wold Meskina? And he, pretty sharp guy and he talked about our water right, we still have a couple of questions we need to determine. One nice thing is because it's a federal water right it's not a state water right because the compact is that you're not limited to a time of year it's January 1<sup>st</sup> through December 31<sup>st</sup>, your beneficial use is anything that you determine is beneficial, it's not like I don't know if you're familiar with the state water right but they have categories that you have to meet. And then, another really valid part, a really bonus part of that is there's not a if you don't use it in a certain time you don't lose the use of that water right either whereas on a normal water right or state water right if you don't have a beneficial use for 7 years is typically the time frame you'll lose that water right or at least a portion of it if you can't prove out. So we still have some things, that gentleman is going to be in Havre and up here next week and so I'm going to sit down with him and pick his brain a little more. We also are asking as part of our due diligence on this is for an opinion from the attorney based on that compact of exactly what we can do with that water so that we're not guessing. We'd hate to do, go through this whole process, get money allocated, start construction, or get to that process even and find out that we couldn't use all the water we thought we could so that's pretty important and then we look at all the cumulative impacts.

The schedule workflow, we started this back in October of 2018 to April of 2019 doing preliminary investigation. Laura and Emily did a preliminary wetland analysis with what they could do at that time, it had already froze, I don't know the voodoo that they do, but the stuff that they do to figure that out they couldn't do it, and I don't know whenever this stuff goes away I don't know, when are you guys do you have a time frame for looking at that?

Emily: Growing season, when growing season starts.

Jay: Ok, and then initial alternative identification and conceptual layout we've got that done, preliminary screening we've done that, we've eliminated one alternative already. April through June of this year we'll finish up those environmental investigations, do other consultations talking with people getting the agencies input different Tribal agencies and Tribal departments, getting the NRCS's input, you know just getting the best information we can get to put this together. And then do our economic analysis our benefit cost analysis. And then dam detention structure plan improvement alternatives and flood conveyance plan improvement alternative and select preferred alternative. And at that point we'll

have it narrowed down to hopefully the Council and you folks can make an informed decision to what way we're going to go. We're shooting for that at the end of May to have that completed, so that we can move forward on that, because we do our Draft-EA, we prepare the Final-EA in June and August, that's based on the one we select, the alternative we select. And then we move forward on getting that Final-EA we incorporate all the comments, stuff like this that we've gathered, all the information we've gathered we incorporate that into our final document and the record of decision. One of the things too that should be on that list that we discussed earlier is, we're going to be through this process, I didn't put it in there, but we're going to be keeping the council informed too, so that there is a due diligence on our part, and a due diligence on your part of knowing what's going on. Me informing me you or our team informing you and you guys signing off on it so that all the way through the process so we don't get far enough along that at some point you go that isn't what we wanted you know when we're too far in it to turn around so we'll do our part of keeping everyone informed. And so that will be a big part, Alissa here will help us out with that and going to Council meetings, probably one of the things you guys will hear at council meetings is, when we do we talked about right at the transportation safety meetings that you do monthly anyways, I'll give you some updates of where we're at. I'm going to do a more detailed workflow schedule as well and set that up based on what we can accomplish in like a, what are the, I don't know if you guys are familiar with a critical path methods, but what things really have to be done to accomplish the other, see what tasks we got to get done. The watershed project Plan-EA and the final product, our economic considerations, alternatives selected on bases of technical, environmental, social, and economic factors, we're going to evaluate all those things. Summarize in an EA an Environmental Assessment, we've been saying EA I don't know if I ever said the word Environmental Assessment but that's what it is. And FONSI, finding of no significant impact. Here's our plan for public interagency outreach. Residents, the agency governments, the agency departments, the elected officials which is the council, local state and federal regulatory agencies we had a good outreach of those folks that the earlier meeting, other interested groups and the media. And Alissa here has been super helpful on getting us you know in the paper and on the radio and on the Facebook page and all those outreach methods. Meetings, comment cards, and so please if you have some comments use those. Interviews, if you saw we posted flyers around, we'll probably maybe do some emails, and possibly some direct mailings we haven't decided that yet. Media, you guys have a website and there's a Facebook page, and then of course there's a notice of intent and notice of availability and other publications that are requirements to publish. So that opens it up that's looking at lake 17 that was in October as well. I bet it's looking like, well not right now, it's a little more white out there, but open it up for discussion for you folks.

Alissa: So we have a question on Facebook, somebody wants to know if is the Missouri water rights being stored here is the question?

Jay: Well I won't answer in detail we're going to, we'll talk to those folks about it, without knowing more about that question there actually is some, it's called basin 40EJ and basin 40I is what's on the reservation. The stuff that's diverted at Suction Creek is out of 40EJ and it's in the water compact and there is 1,290 acre-feet that we can divert to use on in basin 40I which is the Suction Creek diversion and into Duck Creek and into Lake 17 and downstream. We have some clarifications that we're asking from them, but that's about the best I can answer that at this time.

Andy: Jay could you expand off that just off the number of basins themselves pertaining to the question.

Jay: The Basins?

Andy: Well the water is being diverted out of the Missouri river basin and being diverted into the People's creek basin so to answer that question it is being diverted from the Missouri river basin into the People's Creek basin

Jay: Yes that is correct, that's what the EJ, I'm sorry I'm use to just calling them, the 40EJ is the Missouri River Basin, and the 40I which is into where we're doing is on the reservation, the People's Creek Basin

Pete: Hey, here is a picture of the boys that built that.

Jay: Crystal Fox handed that out at the meeting earlier and that is pretty dang neat. That's probably the best evidence we've gotten to this point of exactly when that was built.

Pete: too bad we can't get them back here to build it again...go through all those regulations

Warren: I've got a question, you say you're building the main dam a foot higher, where does that material come from, can you use a dredge or something to make the reservoir deeper or is that not suitable material.

Jay: That's one of the options we'll look at, I don't know if that would make the best fill material, but deepening is one thing, I'm sure we would find a borrow site and we'd have to go through the whole NEPA process for that you know cultural everything get it approved, we're not talking about a lot it's just a section along that to raise it up that foot and like said not for more storage purpose but so that it doesn't overflow the road.

Nathan: What's the plans on lining the pond?

Jay: Lining the pond? The Lake 17 reservoir, I don't believe there is, there's none.

Pete: There're not going to riprap it or anything?

Jay: Oh, yeah that'll be, there's some riprap called for flow protection and that stuff, is that what you meant?

Nathan: The whole Lake 17 itself, the bottom.

Jay: oh, ok, but there is some riprap called for but no no lining.

Pete: I often wondered about, what washed that out anyway, was it gophers that dug holes in the dikes.

Jay: You know there is a pretty good report on that, but I don't know

Andy: I think initially there was a report of some animals out there that was doing that and then due to lack of maintenance and then like the flood events that happened just a combination of all those things especially in 2011 that flood completely blew out.

Bruce: there was also some damage occurred in '86 they were replacing the outflow pipe and apparently they had the pipe out and a 100-year storm event happened at the same time so in the report they called it a freak accident and that both of these things combined caused for a bunch of headcutting to the dam and that was just one instance of some more damage.

Reno: Yeah, I worked on that project, I was probably one of the last operators to work on it, we lifted the dam, rebuilt the spillway, raised the spillway just before you get to the main dam there is another little spillway there, we raised that two feet, then you go past the dam a little ways and there is another spillway that goes to this big dry lake there we repaired that and we repaired the diversion dam coming out of Suction Creek.

Jay: What year was that?

Reno: I believe that was in the late '80s or early '90s; Buster thinks it was the late '80s, I think it was the early 90's we did that, raise the dam 2 feet and put that structure in right there, so I'm pretty familiar with the whole drainage system. Also, we put a check in down below that when we opened that up we tested it down to Foxy Filesteel's place we put a big cement check to divert some water out to irrigate some fields out there, I don't know if you guys know where that's at. That runs in Duck Creek it drains out of Lake 17 goes into Little People's Creek and then down below that we put a check in there for some irrigation project, because that year little People's Creek dried up they had no water down there so we opened up this to supplement the water down to the ranch into irrigation. But the problem we had once we repaired that dam we raised it up 2 feet we didn't raise the first spillway before you get to the lake 17, we didn't raise that up another foot, if we'd have raised that up another foot we probably would have saved all that water that year, sending it out before you get to the lake as you're going in this way. But yeah, I watched that Suction Creek dam wash out, I actually watched it, it flooded because Suction Creek runs straight through it it's pretty much a 90-degree angle there you know and it goes into Lake 17 and there was so much water coming down there and so much force there wasn't much riprap there to hold it it was going right up over the top of the dam at the time just kept washing the back end of it out until eventually it washed out.

Jay: Washed the diversion out.

Reno: Yeah the diversion.

Jay: So it started cutting down below then started sluffing there and it opened.

Reno: Then we did dredge it too we took the excavator because it was so silted in from the diversion dam to Lake 17 we took an excavator and dug a trench all the way down maybe a quarter mile or so it helped some, got it going a little bit

Jay: To get it going, I know there is a pretty good step there right now. Thank you

Hawley: Reno, I think that one of the things too, I remember sitting on that hill out there looking at the irrigation, it's possible that silt come in there and the water run uphill and consequently put more pressure on that diversion dike even though water had to run uphill...

Lorraine: There used to be, I mean there is but nobody uses it, My dad when I was young we used to irrigate us kids would have to irrigate.

Jay: Mr. Hawley could you say that again where was that at?

Hawley: At that diversion dike when you sit up on that hill on the Guardapee place just north of there

Jay: Is that that old homestead?

Hawley: Yeah the homestead Guardapee place sit up on that hill and then you look south you see the diversion dike there and you look east you see where the water runs into lake 17 and you can see with your naked eye how that elevation goes up there. So we figured you know like I said I'm not an engineer or anything but that it probably was some silt from running from the side hills too not just coming in there from the flow of the water then that silt built up over time and then you know the water got trying to run uphill and then when it had to it started putting more pressure on the diversion dike.

Jay: It's going to start backing up, yep

Reno: That was the reason why we tried to dredge that because that silt coming around hit the diversion dam and like all the silt was built up prior to getting to Lake 17 it raised it up maybe a couple feet and put a bunch of silt in there, so we tried to, kind of like a silt island there, so we tried to trench through there to get the water to keep going, other than that it was just going so far down Little Suction Creek.

Jay: So it must run with pretty good velocity when it gets going, I wouldn't have.

Lorraine: Creeks are really running right now, yeah Little People's Creek goes right by my place I went and looked at it today because my neighbor thought I had a broken water line because water was running so much.

Reno: Also, we put a cofferdam in there. That little island there where this pipe is at there's a little bowl that goes around, and just where that bowl is and here's lake 17 here, where that bowl is we put a cofferdam in here across that so if they opened it all the way up it could only drain so far so they couldn't drain it completely so we put a little 2 or 3 foot coffer dam in there.

Jay: I was wondering what that was.

Reno: Just so they couldn't drain it because somebody damaged that, opened it all the way up and wanted water down river, we couldn't close it, lucky we put the cofferdam in there or we would have lost all the water I believe, that was in 1998 or 1999.

Jay: Ok, well that explains that bowl because I was looking at that and I was like what the heck but now Ok

Emily: So we've been talking a lot about enhancing the lake and you know part of this whole discussion is getting input from the Tribe on what they want to see in terms of enhancement. I mean is this lake, should we enhance it for agricultural purposes, irrigation, should we enhance this for wildlife habitat, fisheries, recreations, that is something that we do need to discuss

Reno: Wildlife, I'm a big outdoorsman.

Hawley: All of the above.

Emily: ...All of these above

Andy: I know I said that when we started but this meeting is for you folks you know so please chime in on what you want.

Reno: I can see it from John Hawley point of view, my point of view I'm such an avid outdoorsman I like to see ducks and geese and there was an island out there you know and that was just a big nesting area because it was surrounded by water just hundreds of geese and now it's so low it doesn't have that nesting area.

Pete: We'll be talking to you guys again, you'll be having more meetings I suppose

Jay: Yeah, we'll try to, we're going to, we don't know exactly when but yeah, we want to keep you folks in the loop

Pete: Do you have any kind of blueprints or anything lined out yet?

Jay No, there is a set of plans done but that's when they were going to do it the first time and if we went that route we'd use that same set of plans.

Pete: So they're changing plans?

Jay: No

Pete: Is a person going to be able to get those plans when you get ready to bid on it?

Jay: Oh you bet, that's a ways down the road though. Thank You

Emily: I mean certainly we talk about habitat and fisheries and things like that and sometimes you know there are some tradeoffs if you're looking for habitat for ducks and geese obviously you know you might have to look at possibly reducing grazing around the lake I mean that could be a possibility you know, so it's kind of you are going to have those tradeoffs so it's certainly thinking about what the Tribe wants in terms of enhancement.

Reno: There was fish planed in there they were called Sockeye, it's a cross between a Walleye and a Sauger, for that type of water because it's so alkaline whatnot, that type of fish was supposed to live in there, but they didn't take. That was at the peak of the height because I know on the depth finder in my boat, I was at 15.7 feet at the deepest part I could find by that island, but I never did catch fish in there for some reason.

Jay: You could put probably like cod in there and then pull out lutefisk.

Andy: I think there were Northerns in there.

Steve: There was little Northerns in the outlet channel right where the pipe dumps water there were some little ones in there.

Andy: Those Northerns will survive anywhere.

Jay: One of the things we need to keep in mind is we need to have a specific purpose of why we're doing it like Emily said whether it's irrigation, whether it's to increase the ag uses, whether it's to increase the recreational uses, now other things can benefit from that but we need to have a distinct reason of what we're pursuing.

Hawley: Well I know they opened that up that you go up that big hill to go off the reservation there is, I don't know what that channel is there, we replaced that culvert there a couple of times too, and that water go out through there into range unit 18 so livestock can get some drinking water out of there couple of times they just let the fence down so they could get in there as well. You know that's one of the benefits of livestock you know and we'd like to see some recreational opportunities there as well you know not to mention the wildlife, like Reno was talking about that island out there was plumb full of geese all the time, and there was I don't know there it was covered with geese out there, snow geese, pelicans, I don't know I'm not too familiar with all the bird species but there was all kinds of them.

Jay: Well I know there were probably literally a thousand geese on the water the day I was out there I don't know if that picture you probably can't see it too far away, but there was a ton of them they might have flow off though my dogs were with me and they were running all over.

Steve: So, I guess I've got a question, does anyone know what the grazing lease looks like around that perimeter right now, how many cattle are authorized to be out there, what's the stocking rate that's allowed?

Hawley: There's range Unit 78 on the East Side, Range unit 18 on the North Side, and there's some sub-marginals and there's 11 doesn't touch Lake 17.

Lorraine: 56 on the East.

Jay: Can you say those again John?

Hawley: 78, 18 and not sure what other ones.

Lorraine: 56.

Steve: How are those managed do they authorize so many pairs out there?

Lorraine: So many AUMs, by AUMs.

Jay: So, do they determine the AUM's by what the acreage is in that particular.

Lorraine: Yeah, the BIA does.

Jay: Ok, what do they figure do you know, do they figure 25 acres?

Lorraine: Yeah.

Hawley: 25 acres.

Steve: Is that monitored pretty close?

Warren: Supposed to be, you have limited staff and hundreds of thousands of acres to patrol so for two guys to do it, pretty tough.

Lorraine: Pretty good though; they're out there counting soon as you move out in the range unit they're out there and they count, and then they go back maybe two weeks to three weeks to make sure you didn't sneak in 20 more head they'll catch you if you do. So they're pretty good.

Steve: You know one of the things we were looking at was you know submerging an intake in the lake and then running a gravity pipeline to distribute some of that stock water downstream a ways maybe into some other range units you know we haven't NECI was looking at trying to bag some water samples to see if that's worthwhile you know. Is the quality of the water good enough to really pay for that effort? You know is the salinity or whatever that's in there you know.

Hawley: I don't know, the cattle in Range Unit 11 drink out of Suction Creek and that's what feeds that diversion dike, and there's some potholes in there and you know spring runoff they fill up and sometimes the water lasts almost the whole season in the potholes you know are still there.

Steve: You know I guess it kind of comes down to, I think Jay was kind of looking at you know if we were to try that effort you know a pool of that size you know how many tanks or how many pairs could that support downstream on a gravity pipeline you know. I don't know if you guys have any feeling of whether that would be worthwhile to do or not?

Hawley: Sounds like a good Idea to me, I don't know how much it could

Warren: Range Unit 18 we had that drought a couple years ago it almost totally dried up you know.

Lorraine: Yeah, they had to move the cattle out of there

Hawley: It's been known to be a dry unit there some people don't like to go in there because of that

Jay: And that borders that, how far would a guy have to run pipe roughly?

Hawley: Quarter mile; maybe a little farther 3/8 of a mile.

Jay: Oh geeze, that's nothing; but that's still, I thought you were going to be talking a ways that's not bad

Hawley: When you're going west around the lake there, that fence to the north there that's the border of Range Unit 18 that's the south border of it.

Warren: Didn't that, yhey took that out for the WRP project is that what it was?

Andy: Yeah, unfortunately, not all of it though.

Steve: Well, if we tried some type of effort like would there be enough interest in kind of maintaining the water tanks and stuff is there enough incentive to do that?

Lorraine: There would be, who wants to haul water in the winter time, I mean in the summer we've done that before, and that's expensive you know, especially if you work you have to do it in the evenings have to all take turns you know.

Steve: You know, Terry Buck when she was here as district conservationist she was always trying to promote some water development out here you know but it was always kind of a cost thing I mean if you were leasing some of that area for cattle you know why would you pay your 25% of that cost because you might not be able to lease it again right. Whereas this situation might be a little different, if we were to develop stock water off of that it would probably be contingent upon like an easement where that pipeline ran so that you know if the Tribe had to maintain it they would, but cost wise it would be under this project it wouldn't fall onto an individual rancher right?

Reno: And it wouldn't cost too much to run two miles of two-inch line out of that lake you know.

Steve: No, we've run fifteen, twenty-mile pipelines

Reno: Because I've done a mile a day putting two-inch pipe in with a big excavator and then we just put it in a stock tank and we come off a big reservoir and we'd run a Wye off that to different stock tanks.

Steve: Because everything that I hear that's a more reliable and feasible alternative than irrigation you know. It was good for irrigation it might have been tried in the past. So, Jay, I think that's an avenue we need to kind of pursue.

Jay: Well we've already yeah been talking about that, and I've been looking up some standard costs the BLM you know they do as much piping of water as anybody and they have some really good pricing on what it costs to do that

Steve: So, the fencing between those units that you were talking between those grazing units, you listed the number off, are those fenced out units or do cattle come in those areas?

Hawley: No, they are fenced out as far as I know, but there's on that Range Unit 18 there we were kind of talking about that amongst ourselves there is a what is that bird refuge thing there or whatever the fence was taken out so anything in Range Unit 18 can come over to a portion of that Lake 17 on the north end.

Steve: Who maintains those fences is it the people that are allotted access to that?

Hawley: The person that has the permits, right hand rule there.

Warren: It's a project worthy of doing though and really needs to be done in all actuality with climate change we're getting dryer and dryer seems like and in the summer you know that unit there really needs some help with water you know.

Steve: And you know if the whole system is buried except for the tanks and you know if a tank gets damaged or vandalized it is not outside of a permittee's normal means to just replace the tank I mean I don't think that's out of line you know where it would fall into this constant state of disrepair you know that no one could afford to fix it, but I think just dealing with the tanks if there's a hole in them or something then that's possible and reasonable for a permittee to take over and maybe have to replace a tank once and a while, but the pipeline would be six feet down or whatever and you know that should always be good you know. And then the intake you know Terry was always concerned you know that the well works and stuff if you sink a well how do you keep that I mean that's expensive stuff so if that's damaged as a permittee how do you afford to fix that not knowing whether you're going to get a permit next year or not, but you know in this case we could put that inlet works under the water you know somehow maybe we could protect it from ice damage or something but just a thought.

Hawley: Permits are good for 10-years.

Steve: Oh they are is that a recent change then?

Hawley: Oh, I don't know it's been that way for quite a while at least 10 years, used to be 5 years

Andy: All of the leases are all 10 years now.

Steve: Well that's a pretty good incentive to do some maintenance to operate out there I mean you wouldn't mind putting a little money into it if you can keep it for 10 years.

Jay: Is there a maximum amount you can permit, I mean is any one individual can have?

Hawley: Depends on how many hooves on the ground, how many AUMs you get.

Jay: No, I understand, but I'm saying

Andy: There is no limit, for how much you can have, if that's what you're asking

Jay: Yes

Warren: Problem with this is when it goes low like that cattle get bogged down in the mud and they die that why we need to bring the water level up

Jay: Yeah, that was discussed this morning Leon Lasalle was talking about that the quality of water is not real dandy, not every cow that gets stuck in there gets back out again. Well do we have any more discussion, I'm not trying to cut it short, but people have some places to drive, but is there

Randy: I have some information sharing I guess the college down there just recently got a grant from the national science foundation; it's 3.5 million dollars and it's kind of like a three prong project I guess, part of it is I think we have four research projects that we will be doing just water quality I think they're all water quality one's an irrigation project down at the model garden, but the other two prongs I guess is like just information sharing with the community trying to I guess get whatever research that we do get it out there, and then the third prong is kind of to serve as a clearing house for a lot of different water projects because the whole grant is based towards water that's what it's called water center that is basically water, water water water; Water Annihi, Winiee, Nakota and that's the whole idea of it is just to kind of work with the community and we could even probably develop some cultural research projects based on community need or whatever.

Jay: So, could we work with you guys on getting some of those quality tests done?

Randy: Potentially, potentially we're in the process of hiring a hydrologist.

Andy: When are you having your summit, Randy, next month?

Randy: Yeah, April 24<sup>th</sup> and 25<sup>th</sup> that will be having just kind of a water forum it's just kind of an introductory to what our project is and that will be at the college.

Andy: First annual water summit.

Randy: Yep, and it will be ongoing for at least the next 5 years because that's what the grant runs through. And then the other part I guess is we're going to be putting on 10 interns so if you guys are looking to have somebody placed we'd be really happy if we could put somebody to work with some outside sources as well as with the Tribal irrigation.

Steve: Yeah, I think the other thing we had some discussions on with regard to cattle was you know it is a pretty well known fact that some of these stagnant pools of water you know the rate of gain on these calves is less and we're working with producers all over Montana that have stock ponds, but you know the quality of the water is to the point where they want to drill a well and run fresh water out there because the veterinarians are telling them you know it's just they're not getting the best out of their herd there. So one of the questions here you know is water keeps coming in, evaporates out, more comes in, evaporates out, and what's left is this continually increasing concentration of saline and nutrients whatever that could be in there that could be affecting the quality of water so you know if we sample what's coming out of Suction Creek and then we sample the water at different depths of the lake you know maybe it pays to flush that lake once every 10-years you know, open the valve and draw it all down, shut it, and then start accumulating more water you know. Would an effort like that add another 5 pounds a week to these calves or something you know if they're drinking good water?

Reno: Can you flush sediment out of that?

Steve: Well not the sediment.

Reno: On a high flood year or something?

Steve: Yeah you know you can put a low water draw on it

Reno: You can see the cofferdam I was talking about that's it right there, take that out and flush the whole lake.

Steve: There is a valve in there or a gate but I don't think that takes it to the bottom, you know it takes the coffer dam I think kind of

Reno: Well that little dam out there right next to the water that's that coffer dam I was telling you about we put it in so that it wouldn't come into this pond where the valve is at with the gate in the bottom there is a big grate down in the bottom down there.

Steve: Why wasn't that coffer breached then to allow water into that gate because it wasn't operating, or it's just, they built the coffer to repair the riser?

Reno: No, we built the coffer just so the lake wouldn't drain because when it's full I mean it's over the top of that you know and then because before that was put in that coffer dam there wouldn't be any water at all because that valve is always open and it just drained continuously, so that's the reason we put that coffer dam in.

Jay: Because the gate is stuck open?

Hawley: Then when it's full it backs up all the way around over to that overflow there right?

Reno: Yeah all the way around that overflow where you first come into Lake 17? Yeah, that's where it washed out over the top of that because we didn't finish the project to get that raised.

Steve: See in 2011 when we prepared those plans we prepared a replacement inlet made out of concrete but it had no valve in there that could get vandalized or mismanaged you know so the coffer wouldn't be necessary but if we start talking about things like you know drawing cooler water off the bottom to feed a pipeline or draw that thing down every 10-years and make some attempt to freshen up the water you know we could modify our design a little bit to accommodate that, then that coffer wouldn't be necessary

Reno: Yeah you can take that out so you can get the lower water

Hawley: We've never had that ability before to do that.

Steve: Yeah, that would be a nice benefit to get in there and not much extra cost.

Buster: I guess I got a comment, this is a scoping meeting seeing our comments, I apologize for not being in here for the main discussion but I invited a lot of our youth here tonight our teenagers. I work with senior kids up here at the school as well as around the whole reservation and they know me so I asked them to come here and express your concerns for Lake 17 and when I talk with them most of them is kind of immediate you know we'd like to see that lake recreation, we sure would like to go fishing out there, water is life, if we can develop that lake then it is going to generate so much more just irrigation, vegetation, they'd like to see you know picnic tables out there, maybe even have a project to plant trees out there you know, hunting, fishing, recreating, swimming all of that stuff so I just I guess when all of this planning and redeveloping and fixing and stuff that we bear that in mind you know that if it was 300 to 700 acres that's shoot I don't know 200 times as big as St. Hue you know, 100 times as big as Ester Lake you know. That's a big chunk of water that would definitely be you know

Steve: We were talking about having NECI talk with your tribal fish and game department to see if it was feasible to deepen a few spots, you know excavation is expensive especially muck, but you know if you're under construction you can kind of draw the lake down, dry out some access, and then dig out some small areas, I'm not a fish biologist, but I mean a certain smaller areas of deeper spots might really be helpful and then people are saying well it will freeze over and they will lose oxygen and will die anyway, but you know you get into like Livingstone and Bozeman and they annually stock ponds for recreation knowing full well that those fish aren't going to make, but it's worth the effort right. So, at

some scale I think that's possible and maybe it comes down to you know we can only, fish and game can only make arrangements with U.S. Fish and wildlife service maybe to stock every 5 years but that's once every 5 years that normally wouldn't happen you know.

Hawley: We use to get those fish for free anyways.

Reno: We do it in winter, dig those holes. Take excavators out there on the ice and dredge those holes and truck them off.

Steve: So I think there are small value added things that you can do without breaking the bank and if it works out go to a bigger scale or find a different pot of money somewhere.

Jeff: Yeah, I'd like to elaborate also, I'd feel remiss if I didn't, especially since this is a scoping meeting for you all and I keep hearing wildlife is something that you're you know of interest and value to you all. Along with the lines of what Steve was talking about with the fisheries you also have some associated wetlands to the south of Lake 17 proper, you know that that flat area that's pretty marshy and whatnot. You know you can also consider or think about and this is something your Fish and Game folks will probably be able to help you with is possibly going out there and doing some enhancements out there where you're doing some cuts a couple feet deep whatnot, various configurations and that can be very beneficial for waterfowl. You know attract them back in the fall for hunting opportunities If I recall correctly, and you've been out there a lot more than I have, but as I recall on my one visit there was vegetation out there because it didn't seem the cows would go out there so much because it was so marshy.

Reno: Yeah most years in the spring that whole thing has got 6 in of water in it and it is just full of wildlife.

Jeff: Yeah, so in that area, you know again it's expensive, but it might be worth considering and I've done a lot of work in the past when I use to restore wetlands and whatnot and yeah anyway, I just wanted to mention so it might give you guys something to think about. I know it's not the lake proper but it's certainly within that watershed where that water's being delivered and stuff and would make it a nice little complex.

Reno: It's a little different diversion, but it could be because there is another diversion right next to it, we could just put a check there

Jeff: Like you say, there's standing water out there if you have some scrapes out there that are a couple feet deep or varied you'll probably have standing water out there, that's what I've seen in the past.

Steve: You know as a hunter I would reinforce what Jeff was saying if you're trying to hunt ducks you can't hunt ducks with 700 acres of open water, I mean the shotgun goes about 30 yards so the better hunting might be in some enhanced scrapes.

Reno: That design you guys are building, that other spillway you guys going to put a check there so we can put water down into that unit, where you're talking about the big marsh,

Hawley: On the south end?

Reno: Just past the dike going west that spillway there that washed out could they put a check there so water would go down that and build a big wetlands down there?

Andy: Is that where that WRP project is at, is that what we're talking about?

Steve: I think you were thinking of that overflow spillway that has that concrete curve in it. That concrete wall you know there is an overflow spillway

Reno: You go past Lake 17, go straight west and there's that first little dip, there is a spillway right there that feeds that big wetlands

Andy: I think that's included in that WRP, you know where that's all fenced off now and there's that sign on the hill, that's the project that NRCS has this wetland reserve program.

Reno: That's all fenced in now right and that could be filled from Lake 17 if you put a check there or something.

Jeff: If I could, guys I'd like to point out if I can get this thing, I don't want to look at it, turn it on, I just wanted to make sure that I made it clear what I was talking about, the opportunity, right down in there, there is that flat area just south of the lake that's the area I was thinking about. Well, the diversion is down here.

Andy: You're talking about the ditch

Reno: I'm talking about a different area.

Jeff: There's a spot and that's what I wanted to make sure I was clear about, right about in here and it's been a while it's been like 8 10 years since I've was out there but right in there, there is a fairly flat area, that's the area I was talking about.

Reno: Big flat area; that could be developed into a wetland

Jeff: Possibly, that's what I was wondering if you guys had more information on, generate some thoughts

Reno: That's one we excavated to try to get water though it and it was silted in right there.

Andy: You're talking north?

Reno: I'm talking North, the other

Andy: See we did that, that's all fenced off and that sign, we did that with the Gray family, see it's a part of the intention, Steve you can correct me if I'm wrong, because of the whole system out there you know chain lakes you know and prairie potholes out there, and restoring that part, part of it was the other part was for refund to help fund the project the tribe has some land that's fenced off in there and the Gray family we were trying to get the Adam's family that has some land but we couldn't get them all to sign, just the Gray's so it's the wetlands reserve program and a 30 year easement so the whole thing is fenced off there is not supposed to be any access in there and a upfront payment so that was the appeal to the Tribe and the Gray family you know significant for 30 years but the money that the Tribe got the Council obligated by resolution to help fund Lake 17 project that's what we used to buy the material, the piping. I don't know if I could explain a WRP to somebody, can anybody from NRCS here explain what a WRP is, in a nutshell I guess because that's what you're asking about right because that was the whole point of this

Jeff: I could, how far do you want to go, it's a long

Warren: But could you go out there gouge around and dig holes in a WRP like that?

Jeff: Absolutely, I'll tell you that and I'm honest about that. The point of the program was to take wetlands that had been degraded through various activities that we do, whether we drained them so we could farm them or whatever, ok. So, if you had a wetland and like that one is just to the north of Lake 17 had that ditch that was cut to drain it who knows, but that made it eligible for the program. There had been a manipulation to the wetland, so we were able to go out there and make it eligible for the program by that manipulation. So, with that in mind normally what we'll do is we'll enter into either a Tribal contract which is for 30 years or if we're working with fee land we can enter into permanent easements or 30 year easements and we restore them, but we're also instructed in our policies to make them the best habitat that we can for migratory birds, primarily waterfowl and then associated species. So with that in mind, it's not just the restoration of the hydrology it's also evaluating the potential habitat on the sites and manipulating it for the benefit of wildlife, so for example you know in that wetland I was just pointing out to the south of Lake 17 if that were a WRP we could look at restoring the hydrology but we could go out there and do enhancements by doing scrapes and whatnot to provide that micro topography that's beneficial to waterfowl, whether it is nesting habitat for diving ducks, or you know foraging because that's where the invertebrates will be at when the water starts to warm up in the spring time, so that's that general rundown if you will of what the program is about

Reno: Yeah, I've got a question on the wetland, I'm not sure on the elevations on the spillway how far that is going to backup into the wetlands, say that lake backs up into the wetlands could that be separate wetlands or is that just part of Lake 17?

Jeff: Well, if it's hydrologically connected its part of it. If on those prime years where we maximize our pool and that water is backing up to the up to the south, up to the south isn't that weird, but to the south into that area that we are discussing we certainly could consider, and Steve will correct me when I get wrong about what we can do in this program, but it'd certainly be something that I would consider since I work with waterfowl and habitat enhancing areas out there where it is feasible to enhance the wildlife habitat opportunities out there. You know the Lake itself you know we're going to extend the

open water with the dam and stuff but that's not really providing a lot of habitat you know as far as nesting kind of bird and that kind of thing. We're not going to see marsh rims hanging around the lake but we would be in that wetland complex to the south, so that's why I wanted to mention just to get you guys thinking maybe there's some opportunities there. I know your fish and game guys would probably want to take a look and work with you on that and that's the kind of feedback we might want to hear about in this process.

Steve: Well to kind of answer that question, what's eligible in the program, the answer is pretty simple, you can kind of do what you want for the benefit of fish and wildlife as long as we can demonstrate or support a cost-benefit ratio of 1:1 and the Tribe can handle their 10% you know, so that kind of gets up there to a point where it's a little harder to bury 10%.

Jeff: And it is expensive to get out there do you know moving material in those wet conditions, we went to blasting a lot of times in those areas just because it was the cheapest most efficient way to move material and still you know get what we were after.

Jay: Well, if we're done with comments I don't want to cut anybody off but I think we, some people have a ways to go, I thank everybody for their input and for showing up and your patience and for your participation, so. Ok, Oh, Yes, Andy.

Andy: I'll just be real quick I just want to say something. I'm just glad you folks came out tonight to see a pretty diverse group of people that came here that's the whole intention of this to come here and give your input on what you'd like to see with this project. The other thing I didn't mention today but I've been thinking about our ARMP and I don't know if anybody here has even looked at that on the NRCS side or with NECI.

Jay: I have some, not a ton; the one that was just completed.

Andy: So just trying to relate that to this project. Yeah, the one that was just completed. So, there is an American Indian Resource Management Act and the Councils, the last council and it was finalized this council, but it's something that's been worked on for a long time for agricultural resource management plan. Just trying to relate it to that and then our water settlement, the council has been working on that and we'll see where we end up with it as far as congress if that happens, I think we talked about that today too that they'll be a vote of the people here too the community member will vote on it, but for me what's exciting about doing that work and this work is for me just trying to get into this mindset if the water settlement does happen that you know because this is one of the Southern Tributary Irrigation Projects that your historical irrigation projects are included in our settlement, but we'll see what happens I mean our compact was, I don't want to get too far into a water settlement discussion here, but the compact was passed with the state of Montana in 2001 and it's something that has been worked on for a lot of years and if we do decide to move forward with that I think that this project is a good experience of getting into that mindset whether it's the government or organization, or community members that it does go through I mean there is a lot of projects that are being proposed to development besides this one, so this is what's exciting about it because I hope that over time if it does pass that there will be a lot more projects like this and there has just been so much work on just trying

to get the settlement approved or not approved depending on whether you're for or against it, but looking beyond that and trying to have some vision down the road that we have to get into this kind of mindset you know that if it does pass you know we have to start to looking at developing. I want to thank everybody for coming.

Jay: Thanks Andy, hold on just a minute Mr. Healy had a

John: One more thing before you guys leave we wanted to make a special presentation to a gentleman that is leaving us, Steve would you come up here please?

Andy: I just wanted to thank John and Wally for wanting to do this to honor Steve and anybody, anybody watch that show The Departed, anybody watch that? I love that show and you know Mark Wahlberg is in there and he's a cop right and there's a lot of the good quips and saying in there you know that people get a kick out of and I don't know why I was thinking about that Steve, but there's a part in there you know when they're doing an investigation right, so some guy asks Mark Wahlberg you know, well who the heck are you, and he says well I'm the guy who does his job, you must be the other guy. When I think about that I think of Steve, Steve's the guy who does his job so and I think anybody that knows him knows him for that, he's a serious man and he's been involved in this project from the beginning and he was always the voice of reason even back then he would be realistic about the fact of having that singular mindset that as you know we were moving forward in different phases before you were always really a voice or reason and I'm glad and thankful that you know this project being put on the shelf that you came back and engaged with the Fort Belknap Indian Community to get it done. Because besides NRCS the Fort Belknap Indian Community there has been a lot invested in this project over the years and I'm glad that you came back and we talked I'm very excited about getting it done so I just wanted to, I know because Steve's moving on too, Steve's moving to Madison, Wisconsin to be the state engineer over there closer to home for him in Minnesota right, so just wanted to wish you all the best and for all the good work that you've done for the state of Montana and here in the Fort Belknap Indian Community to help the people here, so thank you.

Steve: The biggest honor will be when I hear it's done, I wish everybody the best of luck in the project

John: Thank you Steve. With that I'd like to thank everybody for coming thanks Jay, Laura, Bruce. Safe travels home everybody.