

Lake Seventeen and Little Suction Creek Watershed Preferred Alternative Selection Meeting 2019-05-01
@ 10:00 am in Fort Belknap Agency, MT at the Tribal Council Chambers

Curtis Horn

Phillip Shortman

Warren Morrin

John Healy

Laura Shipley

Paul Smidansky

Bruce Beecher

Jay Springer

Leon Lasalle

Kale Gullett

Thelma Stiffarm

Andy Werk: We'll go ahead and get started; for executive get a quick roll call

More councilmen will filter in and make their way here

John Healy: Prayer

John Healy: Members of the tribal council today's meeting is to go over some of the alternatives from the Lake 17 project and follow up on the last meeting we had in Hays

Kale: Steve Becker left and is now the state engineer in Wisconsin to be closer to home and so the project on NRCS side was needing a manager so I'm taking that role, I am also a state resource conservationist—wear a number of hats and have been getting up to speed on the project

Paul Smidansky: I was here at the last meeting—Tom Watson wanted someone as the leadership position and so am supporting Kale—my official title is one of the two state design engineers and so I interact with NECI on an engineering basis—role is to work in a contract position as well as the authority of the contract is in Phoenix, Arizona. I appreciate the opportunity to be here

Dane Gorney –District conservationist for Hill & Blaine County; local contact when folks need answers, my role will come after the fact for things that are developed; moved from Kansas and on the job for 2 months

Leon Lasalle – Worked as an engineering technician in the Havre area and worked here on and off on Belknap since '94; here to support Dane

Bruce Beecher – NECI

Laura Shipley – NECI Billings and doing soil engineering and environmental field studies.

Thelma Stiffarm – CAO for Tribe, moved here 2 months ago from Arizona

Krystal Fox—I'm with Fort Belknap and was Tribal irrigation manager and have helped Craig Adams transition to that position still the same phone number; dealing with Lake 17 for a long while

Warren Morrin – Councilman

Phillip Shortman - Councilman

Dominic Meserley - Councilman

Jeff Stiffarm - Councilman

Jay: Emily Petersen is on the team and she works closely with Laura and has been instrumental in helping to put together this information—she won't make it here today, she is with DOWL Engineering

John Healy: What we want to do today is look at and present some alternatives for the project

Jay: Any opening comments Andy?

Andy: We've had some meetings recently and this project has got a good story and it's been in the hopper for so long and where it's been alive and it's died and it's alive again, I'm really excited about it, it's going to be a great thing even with all the history there of Lake 17 itself being there since the CCC days. I look forward to seeing it move forward.

Kale: Generally, thanks again for inviting us. Paul and I are catching up with a project that has been in existence for a long time, last year we were fortunate enough to see headquarters take another look and we like the work NECI has done and we look forward to keeping on with this project. I've learned a lot in the past 3 weeks from the project and am amazed with the amount of documents on this; I understand where the tribe is at with this project

Krystal: With all your reading and things on the project is there some kind of place/archive, where the CC projects were all archived where you can read about them more and get more details?

Kale: I have seen numerous documents from the past referencing the building of the dam, but have not come across the details.

Paul: I have not seen any archive and there is documentation with BIA from the '80 and THPO.

Krystal: Seems like someone would have an archive.

Laura: I got the old records that they filled out and there was mostly just one line saying this project took place.

Krystal: Wouldn't you think they recorded all the projects they did across the United States?

Jay: We looked all over and the projects didn't get as well documented out here. I wanted to find a set of plans and looked everywhere without finding anything.

Krystal: You would think they would have some financial records.

Laura: If I remember correctly, it just said the year of completion and whoever was in charge of it; there wasn't a dollar figure but just an acknowledgement that it happened.

Krystal: I do know some non-natives worked on this project and it would be good to know their names; they worked for CC and CC was kind of like Peace Corps when they came here.

Jay: I do know how they named the dam and it was project number CCC-IN Dam #17 was the name of the project and what it was then called.

Jay: So getting started this is Lake 17 and Little Suction Creek Environmental Assessment. What we plan on doing at this meeting is giving you information on the 3 alternatives we've paired it down to at this point and hopefully from this information you can take action and a resolution to make a preferred alternative. So let's walk through the meeting agenda. The Project Location and Overall Watershed Area and everyone is pretty familiar with the watershed. Existing Conditions prompting concern—how many of you have been out there? BIA had done a pretty extensive survey of the area to get the topography and calculate some volumes and we had one of our survey guys go out and collect information and a water sample. What we came up with makes us real confident that the area has not silted in more than what the design calculations were based on. The Purpose and Need Statement is to develop an economically and environmentally sound plan to best use the resources of Lake Seventeen Watershed. Previously, the funding couldn't meet the match requirement and so the project didn't move forward, otherwise we likely wouldn't be here today. What was done in the meantime was that NRCS said let's take a look at the project again and let's look at the resources that are in there. NRCS had done the minimum of what would likely be an EA, but we've changed the purpose of the project. A scoping report was developed but by an oversight of mine, during the change over from Steve to Paul and Kale, the scoping report has not been reviewed or approved yet and so at this time is not provided. The Tribe's primary project objectives were to improve Public Recreation with minimum basic facilities which may include picnic areas, sanitary facilities, fishing piers, shelters, cooking grills, parking areas, swimming beaches, access roads, water, and trails. Improving Public Fish & Wildlife benefits and samples of the water were taken in the middle of the lake, at the edge of the lake, and at the diversion site to give us an idea of what the quality is and what you can do with the water. Lastly, Agricultural Water Management in the Study Area is a Tribal project objective which includes drainage, ground water recharge, irrigation, water conservation, water quality improvement and agricultural (including rural communities) water supply. One of the other alternatives is it continues to be used in the range management areas as stock water facilities.

So there's the front cover of the NRCS set of plans. In the past, had the funding been there, we probably wouldn't be having this discussion now. We're using that set of plans as a guideline for what can we do now. As I'm talking along here, if I'm talking out of line, feel free to jump in so we are all on the same page and you guys are going to make a decision on this information and I want to give you all the exact right information.

One of the recommendations is the No Action plan; we let Mother Nature run its course and it will eventually breach that dam and then it will just be restored to a prairie pothole condition. That was the old Duck Creek and so that's where the flow of the old Duck Creek was and would return. Alternative #1 is to restore Lake Seventeen Dam and decommission the Little Suction Creek Diversion. Alternative #2 is to restore Lake Seventeen Dam and to restore the Little Suction Creek Diversion. The scope of this project is to look at how historically you guys had a volume of water at one time and do we want to do the repair to restore that volume or get less volume for less cost or let it all go and go back the way it originally was before the dam was constructed. Under additional potential benefits once the volume of water is established in Lake Seventeen we have Option A: Enhance wildlife habitat and recreation opportunities as a primary focus. Option B is to make agricultural water management onsite the primary focus; and Option C is to make agricultural water management offsite the primary focus. For these additional potential benefits agricultural water management does include livestock. The alternatives are No Action. The Dam will breach; downstream channel will headcut the reservoir and so it reverts back into a prairie pothole. Existing diversion breach will widen until the natural character of an intermittent stream channel is restored. Alternative #1: Restore Dam and Decommission Diversion where Dam restoration is following NRCS plans. The Diversion is decommissioned and its footprint restored to a natural intermittent channel. Alternatives #2: Restore Dam and Diversion: The Dam restoration follows the existing NRCS plans. The Diversion restoration follows the existing NRCS plans.

I've been doing this sneaking up on 32 years and that's a good set of plans the NRCS has developed for this project.

Now we'll get down to the nitty gritty. Under this; rather than having some draft versions of this document floating around while we will refine it with your comments we will revise and can supply the Tribal members with more copies of the Preferred Alternatives Memo.

No Action Alternative means no construction, or operating and maintenance costs. The existing wildlife habitat would degrade to a point where it reaches the historical conditions prior to the dam and diversion construction potentially adversely affecting 817 acres of habitat for 10 species of concern. So in the 80 years that has been there, those species that are now there would be adversely impacted. The existing watershed and prairie pothole conditions will allow livestock to continue to have a water source for up to 650 cow-calf pairs. This would be on a real limited basis and would have to be integrated into your range management plan. That 650 pairs is over that whole watershed and that would be a pretty limited time.

Warren: A large portion of those cows would die trying to get a drink of water—those guys haven't been able to graze for but half a season so you only get half the time but you pay for a full season. So I'm for Alternatives #2. I have a question for the Water Compact and the 1,290 acre-feet we had discussed.

Jay: That was a good meeting we had with the water right attorney. What we determined is that you have that beneficial use and there is no limit, so there is no use it or lose it, and you have, we believe it went back to 1918 to when the Winter's Act or it might be even 1898 anyway you have the earliest water right in that area.

Krystal: 1855—any water that comes onto the reservation was from 1855 water right.

Jay: I know that was kind of a different thing because this water comes from the state water right.

Krystal: Yeah our water right goes back to the Treaty of 1855.

Jay: What we do know is you have the oldest water right in that area, you have the senior water right and addressing what you said Warren and so we're aware of that.

Warren: So we don't need to make any changes to the plans? Wold was talking about putting in a gauge.

Jay: What we did determine from that was the number is based on a volume measurement and not a flow measurement. The way that water runs, a week before when Chan, a guy with NECI, did the water samples that water was running down Suction Creek like crazy and 3 feet deep and so fast he could hardly get a shot. A week later I went down there and it was barely a trickle. Paul and I were talking about a good duration of 7 to 10 days is when you get all your water. The NRCS plans spillway is setup to take a 25 year flow and the way the channel is set up to handle that—and the DNRC is in agreement with this—it is over a multiple year period rather than looking at it on a year-by-year basis. In this country it is tough to estimate on a year-by-year basis.

The USGS took a lot of areas and calculated what you could expect from the amount of runoff, but it verified what we were getting as that was a huge study they did.

Warren: This was after our meeting and I know Wold was talking about the gauge and using some volumes from that.

Jay: So we looked at a 2-year average cycle and it was the best we could figure on a two year cycle what we would get and wanted to see if the volume we got was sustainable. We'd have been gut shot right off the bat if we couldn't get that figured out.

Paul: Sounds like the question is directly that 1,290 and were you there on that call?

Warren: Yes, I was there in person.

Paul: Ok, that 1,290 acre feet can come in one slug or it can come in a long duration so the question was how actively do you have to manage that flow? Do you need to do some kind of mechanical means? That 1,290 acre feet from the water rights attorney, that is an average number over many years and is not intended to be something that a person is monitoring and needing to shut off. The ability of that diversion to pass water during a high event, in their opinion, that some years you might get more than 1,290 but some years you might get less than 1,290 and so a device is not necessary. As far as the land right process and a water rights process we wouldn't need anything in writing.

Jay: They did say they would supply us their opinion in writing.

Nathan Martin: Is the diversion off the reservation?

Jay: Part of it is on and part of it is off.

Nathan: Fresno is suppose to get us our natural flow and every year—we worked there—we did not get our natural flow and so when we didn't get our natural flow that was supposed to get through the seasons we just ordered that and when we did order our water for the Fort Belknap Irrigation Part it wasn't there. That's why I ask that, because no matter how much you talk about it we're going to take the brunt of it. A lot of times I had to go here to Fresno and take pictures of humps stealing water and they didn't do our irrigation here and priority didn't do anything. Where is this station at on the reservation or off?

Paul: It is an earthen berm so there wouldn't be gates to turn water on or turn water off. It's coming down the creek so if the diversion was restored it would go to Lake 17 except for extremely high flows.

Nathan: Guys off the reservation, they would divert that water to their properties.

Jay: Are you talking about above the diversion or downstream?

Nathan: Above, coming onto the reservation. Because it has happened a lot of times with this Milk River project here and they got caught, but the state never really did act on it. They never reimbursed us the water that we should have gotten. That's always been a project at Fort Belknap here, we cared because that water was important to us. We had more right than them because our seniority rights carried us through that, but we're getting pushed in a corner and this Lake 17, that's a joke because they sent me out there me and Jeff Stiffarm and there was no way what you guys are talking about is going to maintain that. It costs money, everything costs money, and as a Tribe here we don't have the money to maintain the ditches or the dam. Because they have to be maintained every day because we had a big irrigation when it started, and we had about 30 people working when we did the Milk River.

Krystal: The water, that is going to go into Lake 17, and the diversion, the stream that it comes down, if we fix it, our claims have to be satisfied first before anyone else takes water off of it. But as far as policing that isn't going to happen until Montana has all their water adjudicated and people will have to have everything gauged and so if someone is stealing water off the Milk and the BIA writes them a letter and they have 2 week to receive notification, they've already finished taking water by that time. Eventually Montana will have a way to police it.

Jay: I appreciate you brining that up because that is something that is super specific to this and what we established with the Attorney and what Krystal said is that you have the senior water right, you don't have a time of use so that's perfect because a lot will state that you can only use it during a water year, and then the beneficial use, and it's not like a state right and it took me some time to understand, there isn't a beneficial use stated, whatever you guys determine is the beneficial use.

Nathan: It's not like that.

Jay: I don't know if I understand what you mean, when this was functioning it was going into Lake 17.

Nathan: Well we don't have any money to maintain that because that is part of that investment and I wouldn't take that myself because we don't have the money to maintain it.

Krystal: The Lake 17 area is considered historic and at one time the BIA did have their maintenance and at sometime they got turned over to private maintenance and that's why. I don't know why BIA would send him out there because these historical irrigations went to private associations and so Lake 17 fell under that too. In the future we go with this, we used it to irrigate, then the Tribe is going to have to have a water code and under that code they are going to have to have an O&M and not go through the BIA like the projects on the Milk River.

Jay: I'm glad this was brought up, but we're not going to be looking so much at the irrigation, we're going to look at restoring the volume of water to Lake 17.

Krystal: So, I'm just trying to answer gentleman's question and help understand how O&M would work and justify the project.

John Healy: Ok let's get back to the slide.

Jay: The existing watershed and prairie pothole conditions would not allow for any irrigation to take place. The surface water quantity would be at its least potential benefit to the Tribe as the diversion of water from Little Suction Creek has been negotiated with the Fort Belknap-Montana Water Compact to transfer to Lake Seventeen 1,290 acre-feet of water, but without any action this water is unable to be diverted or utilized by the Tribe as historically intended. Surface water quality would suffer from the natural chemistry of the water and land resulting in the poorest quality of water to be used by wildlife and livestock.

Alternative #1, moving forward, is the restore Lake Seventeen Dam and decommission Little Suction Creek Diversion. So by decommission, we would restore it back to a natural state and restore it back to a best guess of what it was like. Then we would do what is proposed to restore the dam following the NRCS plans. Construction costs are estimated at \$1 million and the cost to maintain it is estimated at \$13 thousand dollars annual operating and maintenance cost. So the \$1.24 million is the cost to restore the dam and restore the footprint of the diversion. The dam restoration work would include a new principal spillway conduit, new concrete riser, new rock plunge pool, and a one-foot lift on the dam for overtop protection. The water quality samples showed that there is some corrosivity and the restoration is not set up for any late season flows either. When it got to about that spillway elevation, everything above that would go down the spillway, down to Duck Creek and when it got below that there would be no way to turn that on again. That was to keep that volume of water in there. You wouldn't be able to open it up and go back down Duck Creek later in the season. The diversion decommission work would include grading the channel back to pre-development conditions, channel stabilization and revegetation to restore the natural intermittent stream.

One of the items Laura and Emily will be looking at is what does Little Suction Creek look like, what's there, what would potentially be lost, and what could be gained by getting that full diversion back and the changes by just restoring the dam. So they are going to be out there next week since it is into the growing season and things have has started.

Once again we're saying we wouldn't have that 1,290 acres available because there wouldn't be a diversion. If we don't do those things the dam will fail. The available wildlife habitat would degrade. Fish species would be hard to maintain, especially cold-water species. It's about 225 dollars per yard for the muck excavation and environmental permits and that thing is only about 6 feet to 10 feet deep average on a year and so we'd likely have to go down an additional 11 feet and that's an incredible volume of dirt that would need to be removed. In talking with Mr. Lasalle he'd rather fence the whole thing off instead of just a part as that doesn't work very well.

Krystal: If you fence it off, would it make sense to put in some stock ponds; if you had groundwater available?

Jay: That would be a possibility, but how do you sustain that is what would need to be determined. We're on Alternative 1 Option B now. The improved reservoir would have the potential to continue providing a water source to livestock up to 650 cow-calf pairs, which is limited by available grazing acres. What we don't want to do is lead you back down a path of a bunch of feasible items, but what we'd rather have you look at if we chose to do any one of these options, do we want the volume to go away completely, do we live with just the Lake 17 watershed, or do we try to restore that full volume potential by restoring both. And then looking at the potential of stock water from pipe, or irrigation, or lease the water and we don't want to limit that and it's beyond our scope to tell you what to do with this. It's beyond our jurisdiction to tell you what to do with your water. It's up to you decide what the best use is. We can look at some potential uses, but your decision shouldn't be solely based on any one thing. That's been out there for 85 years and I know there are some things, culturally, of just being out there is huge and a historical feature. There are some things you just can't put a real value on. If I had a photograph album of my family, that is almost invaluable to me, but if I gave that to someone else it would be more of a paperweight so there are some things that have a value for cultural reasons.

Krystal: It is a plus out there and a source of pride.

Warren: I have a question for one of you guys, I know in that meeting in Hays and talking to Steve Becker and the funding is almost there and our part of it with the pipe we are almost there.

Jay: We're presenting here the alternative and once you select an alternative, we start putting together the potential to be funded. We don't get to determine that and I'll let NRCS speak to that.

Warren: We've got to repair that diversion otherwise we're looking at poor quality water.

Kale: Finances are central to and an important aspect of the project. NRCS has a good set of plans and we have a great field staff and we get it done. Because of the design work the Watershed Operations funding requires that we look closer and develop a set of considerations for the sponsor (FBIC) and that's assessing the value of it being out there and we have cost estimates for the various parts of the alternatives so we know what it would cost to restore the dam and similarly what it would cost to fix the diversion and those give us a dollar figure and then there is this listing of benefits. So when we go through the process and when we analyze the environmental affects, based on the end of the study, if everything is viable we can go back to headquarters and go for the funding to actually do the work. This

is the study phase, this a at minimum a 2-step process, if the landowner in the area doesn't want any dirt moved on their place then that can be a roadblock. It's a federal process and there are lots that need to happen to get the funding.

Jay: It's at that national level and one of the good things Mr. Werk did was he talked to them when he was out there, those are the people that will be making the financial decision.

Alternative #2 Option A: Restore both the dam and diversion and make wildlife enhancement the primary focus. When we say restore that, you'll get the benefits of all of that, so that's why we have that all-encompassing agricultural management and wildlife and recreation. You'll get the benefit. It's not like you'll just get one of these. The available wildlife habitat could be improved to encompassing 254 acres of vegetated wetland habitat, 740 acres of open water habitat, and 20 miles of shoreline. This would provide some prime wildlife habitat in the remote area. If you guys have been out there, there are lots of geese out there. You also have diligent Fish and Game people as they were out there right away. Hunting of big game and waterfowl would be the primary recreational activities available as the wildlife corridors would be improved. The improved habitat and water source could provide the opportunity for bird watching. Restoration work could include development of sites along the diversion and around the lake perimeter to increase wildlife habitat beyond just the means of the reservoir. This work would enhance low land areas with additional scrapes made by isolated excavations in various configurations to benefit waterfowl inside the site. A maximum ponding depth of 12.0 feet could provide the opportunity to have fish stocked in the reservoir for recreational fishing. This depth of water would also afford the opportunity for recreational swimming and water sports. The water volume available would be at a maximum for wildlife and recreation by not having as many losses from other beneficial uses which would create the most consistently reliable alternative for water to be in Lake Seventeen year-round. Three different locations were identified with wetland and wildlife habitat enhancement potential. Under this option, one, two, or all could be selected. Areas selected would reduce the size of grazing unit 78.

Alternative 2 Option B: The improved reservoir would have the potential to continue providing a water source to livestock up to 650 cow-calf pairs, which is limited by available grazing acres. Restoration work could include gravity fed conveyance of water from the reservoir to stock water ponds in adjacent range units. This method could potentially provide water into historically dry range units increasing the demand and value of a lease for particular areas. Range units affected are 18, 56, and 78. That would be one of the uses you could look at if you went down that route. It would likely have to be a combination of pumps and gravity fed system. Improved rock base at direct watering locations along the lake shore could provide quality water access and prevent livestock from becoming stranded in the reservoir sediment. Two approximate water line locations were identified. One, both, or none could be selected. Other areas along the lake shore and diversion canal have also been identified for improved access. This is a draft and we'll put together any notes and refine this what we didn't want to do, we wanted to show you that for information purposes and it's not meant for anything other than showing there is some economic benefit by doing that.

John Healy: Gravity fed so it doesn't need power?

Jay: Yes, but in talking to Leon you would be limited if you only did a gravity system and it wouldn't likely run the whole season.

John: You could potentially do a solar panel.

Leon: Yeah you could do it with solar, late in the season the deterioration of the water quality and the shallow water, some water quality data, the shallow water and the temperatures create some real issues and I would think that a backup system where we use some deeper groundwater in the late season combined with the surface water would be the best option.

Krystal: If it was full, what is the deepest depth?

Jay: 11.5 feet.

Curtis Horn: What is the surface area at full pool? What was it then and what was it last year?

Jay: I don't know off the top of my head, but we can get you that information.

Alternative 2 Option C: There is potential to provide a water source for 681 acres. We did real cursory reviews because those decisions would be made after you have that volume secured, after this project has been completed. Having a source of inflow and irrigation drainage from the reservoir could beneficially enhance the surface water quality by removing comparatively stagnant water and replacing with a fresher source out of the diversion. The water sample and water quality tests showed a concern in relation to Sulfate (SO₄) for irrigation due to a high result of sulfate ions which reduces phosphorus availability to plants. It was really high, it was pretty hot stuff, and we have those water quality results also available. While the costliest alternative, this option does potentially provide the most economic benefit from increased crop returns as well as converting dry land property into irrigable land, potentially raising the property value. There are probably more uses for the water volume that we are talking about restoring.

We went through, we screened them out, took a whole bunch of different ideas, and we came out with these 3 alternatives. Hopefully from this meeting you can discern what alternative you want to select, the next step would be to determine a date of resolution and because of the scheduling conflict we need a selection on the preferred alternative. What that does is it keeps us on task with our schedule so we can keep moving forward.

One other thing in being more efficient in scheduling meetings schedules----so everybody can have time to review the material and make sure we make a good decision. Those are the alternatives as presented.

When would you guys be comfortable crafting a resolution? Because that's something that we need to move forward. That doesn't have to be today, we can supply you more material, we can take what this draft document has and refine it.

Jeff Stiffarm: Do you know the water quality out there right now?

Jay: Well the sulfates are pretty high, there are things that I've never heard of before such as the Langlier Index and has to do with the pH and what it really tells you is this stuff is corrosive so we wouldn't want to put pumps that are metal due to the corrosivity, also it has long term detrimental effects to livestock. It's going to have some long term negative effects.

Curtis Horn: Can fish be sustained at the depth it is right now?

Kale: Typically 15 feet is required to keep fish over winter if there isn't any snow cover

Laura: Maybe some minnows or small species. I'm not aware of any species that are currently out there.

Jay: From the Montana Fish & Game guidelines it says some breeds of sunfish or perch or crappie would likely do the best in those kind of reservoirs. It would not sustain trout.

Warren: How about bass?

Jay: Bass was one of them.

Laura: If the lake is only 11 feet deep at a maximum you're running the risk of having a complete fish kill.

Jay: The other thing that we weren't able to get is a dissolved oxygen meter to perform a dissolved oxygen test.

Krystal: Justifying the beneficial uses, so what about fire preparedness and put a drop on the lake and put it in the engine.

Jay: I'm sure that yes that would be considered a beneficial use. It's not something we have thought about.

Warren: They make a pump, a float, a pump and that's how we fill our engines and just have a piece of rope tied to it, so it doesn't float away. Lots of these reservoirs have a windmill that have a fish bubbler and I don't know what they cost, do you?

Jay: We do those a lot on lagoons and it depends on how involved you want to get. There is a huge price variance.

Laura: Just looking at the water quality test, I don't really feel like the lake will be limited by the water quality so much for fish, but we go right back to the depth of the lake, but if you're only able to keep them for 1 year then you look at do you restock the reservoir every year. You can put a big aerator out there and the fish will still die in the winter due to depth.

Leon: You'd have the maximum depth and that would be tough to maintain.

Andy: I know before, when NRCS was doing the work before, that there were some Northern Pike out in Lake 17 and they said they said they will live just about anywhere. In Hays a real good conversation about dredging came up. The water quality out there, I can't remember who brought it up out there, and using pipe where every once and a while and possibility of flushing it out every so often.

Laura: The quality of Lake 17 was actually better than Little Suction Creek so if the diversion was fixed that's something I would recommend. If the diversion is fixed, take some more water samples at the lake to see the effects.

Paul: Just a comment about the dredging at some point with any embankment, your limiting factor becomes what can the watershed deliver to the lake, you can dig a very deep hole and it can still be six feet deep eventually.

Jay: Amazingly, because that 1290 that's diverted, when you do the volume analysis that NRCS does that's the volume. So somehow they established that number and that's probably what you can expect off that.

Dominic: If you're willing to entertain a motion, I'd like to show; I'd like to show the Alternative #2 moving forward, then the 3 options A, B, and C and the motion for me would be to express our interest in showing that we're sincere and wanting to move forward with this project with Alternative #2.

Andy: There is a motion on the floor is there a second?

Jeff: Second

Andy: Discussion:

On our trip out to D.C. obviously the NRCS has paid for the public scoping and the EA and our plan was to submit an application through the National Watershed Program and they put their program on there and there are determinations on there in how they do the cost share, you know I and what we were currently talking about was a 25/75 split and for irrigation or stock water and for other purposes. When we went out to D.C. I was really going out there with a mindset to get 100% cost share, but since it's not a dam that has a lot of flood control, it's not a high hazard, but what I was pleased there was a commitment from those folks at 90% and that's what they told me and we need to finalize that, and Kevin Famer wasn't there but he was on the phone, and the chief's secretary, I can't remember her name but I could look in my notes. It was a really good meeting and I felt really good walking away from that and I felt like there was a commitment at 90%. We talked about at the last meeting that 10%, years ago the Tribe by resolution dedicated the funding from the WRP toward the Lake 17 and that money was used to buy that equipment that is still down at Tribal Construction. What I see is if they do fund it at 90% we're going to be looking at picking up maybe another 5% and I still think we could have some kind of discussion about in-kind, but we're looking at \$2 million dollars covering the cost of inflation.

Curtis Horn: For the record, I asked Andy if he could have some action, I myself was ready to make a motion for No Action, number one it's covered under our water settlement, and if people would have paid their O&M in 1965 this project would not have gone defunct. Rather than spending money we don't have, I usually like to see concrete numbers, we don't even know what kind of numbers we're going to have to kick in or what the government is going to kick in. How deep is it right now?

Jay: 6 feet

Curtis: With global warming and everything I think we should let it go back to a prairie pothole.

Andy: I want to clarify even though there was a back and forth, Dominic asked first before that and I just want to say, with this project because he offered a good perspective, obviously this is a part of our water settlement. It was built in the CCC days and it was abandoned and something we can all be familiar with there is a lack of trust responsibility over time. This is the same thing we are talking about with our water settlement; this project still hasn't even been maintained. This is the biggest one, but that one hasn't been maintained either; it is almost a hundred years old and I see an opportunity to fix something that was just abandoned. Besides us, NRCS has a lot invested in it and my understanding is that the government is going to pick up 90% of this and there is already some in-kind materials so we're looking at a 5% cost. I can't blame the previous council at that time couldn't come up with \$400-500 thousand dollars, so the project was not completed.

Dominic: The vision and the mission is to get water to the Southern Irrigation District. That's the mission. I oppose the water compact settlement, do we even have a sponsor on that? But here we have an opportunity to get water to that Southern Irrigation District which hasn't had water for 60 years and we have the potential for a 5% cost share and get some water and that's the whole intent of this motion.

Curtis: We still pay on the water every year. It's not 100% and it's not good high-quality water. The irrigators decided they didn't want to pay the O&M and it's not the only one, it is 1 of 8.

Warren: There was a meeting last Friday down there and he said not everyone is paying on that and the debt is \$6 million that is owed for O&M so I guess people aren't paying O&M like you think they are.

VOTING PROCESS:

5 for, 2 oppose

Andy: We had talked about this before, because this is one of the Southern Irrigation Tributary Projects. This place has been so focused on getting the water compact done, but this project is in the spirit of the water settlement.

Curtis: A meeting in Dodson last night and there are some guys that would like to meet with you guys and get some language of the water compact from you.

Krystal: Wold is very aware of that.

Andy: What else do you have?

John Healy: That's it.

Jay: That's it.

Andy: Thanks everyone.